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W.P.No.15207 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.15207 of 2025

and

W.M.P.Nos17153, 17157 & 17158 of 2025

POLLACHI SURABI MANAMAGIZH MANDRAM,  
REPRESENTED BY ITS PRESIDENT,  
S. DEYVAM,  
NO.5-481/B1-B2,  
KNG PUDURPIRIVU,  
THADAGAM ROAD,  
COIMBATORE DISTRICT.

... Petitioner

Vs

1. THE DISTRICT REGISTRAR (ADMINISTRATION),  
COIMBATORE NORTH,  
COIMBATORE DISTRICT.
2. THE DEPUTY COMMISSIONER OF PROHIBITION AND EXCISE,  
COIMBATORE.
3. NALARAJAN

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the summons issued by the first respondents in Na.Ka.No.6557/Aa2/2024 dated 19.03.2025 and quash the same.



W.P.No.15207 of 2025

For Petitioner : Mr.M.Vijayan for Mr.K.Karthik  
For R1 : Mr.R.Sasikumar  
Government Advocate

### **ORDER**

The writ petition is filed challenging the impugned notice dated 19.03.2025.

2. By the said notice, the petitioner is requested to appear for an enquiry. The grievance of the petitioner is that when Form VII has been filed, the same has already been accepted by the first respondent, he does not have the jurisdiction to determine the dispute now raised by the third respondent with reference to whether the election of the concerned office bearers is correct or not. This matter is no longer *res integra* and has been settled by the Hon'ble Full Bench judgment of this Court in the ***C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee vs. The District Registrar, Cheranmahadevi***<sup>1</sup>. Therefore, it is very clear that the limited jurisdiction conferred on the first respondent is only with reference to the enquiry relating to Form VII and he cannot go into the actual election dispute.

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<sup>1</sup> (2005) 2 CTC 161



W.P.No.15207 of 2025

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3. At the same time, the learned counsel appearing for the petitioner would also rely upon the judgment of the Hon'ble Division Bench of this Court in ***V. Sobana Kumar vs. The District Registrar, Registrar of Societies***<sup>2</sup>, more specifically relying upon paragraph Nos. 17 and 19 and the same is extracted hereunder for ready reference:-

*“17. In view of the above precedents, we are of the opinion that filing of Form VII by the Registrar does not involve any civil consequences either apparent or real. The rights of parties will have to be crystallised in forums other than the Societies Registration Act. Since the learned counsel submitted that Sections 34 and 36 of the Societies Registrations Act vest with the Registrar with certain powers, it is necessary to analyse them in the context of a grievance projected by the appellant.*

*19. A careful reading of the provision does not show that it neither clothes the Registrar with any power of enquiry nor determine the rights of parties. It does not provide as suggested by the appellant that a decision taken by the Registrar will visit with civil consequences on the parties. As rightly observed by the Division Bench in Muralidaran's case that it only involves an ministerial act and nothing more. If the appellant can be described as the “Form Filler” then the Registrar under Section 34 will be “Form Filer”. We are not persuaded to take any different view on Muralidaran's case. We do not find any inconsistency between the Full Bench decision and the subsequent decisions of the Division Benches.”*

4. In view thereof, considering the nature of the order that is passed,

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<sup>2</sup> 2008 -4 - L.W.760



W.P.No.15207 of 2025

this writ petition is disposed of at the admission stage:-

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(i) The order impugned is only a notice directing the petitioner to appear for the enquiry. However, it will be open for the petitioner to raise all the contentions during the enquiry.

(ii) The first respondent – The District Registrar shall bear in mind the dictum of the Hon'ble Full Bench of this Court in ***C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee vs. The District Registrar, Cheranmahadevi*** (cited supra) and the Hon'ble Division Bench of this Court in ***V. Sobana Kumar vs. The District Registrar, Registrar of Societies***, (cited supra) while conducting the enquiry with reference to the matter raised by the third respondent.

(iii) Both the petitioner and the third respondent shall raise all the contentions before the first respondent, who will decide the matter in accordance with law.

(iv) Consequently, connected miscellaneous petition is closed. No costs.

29.04.2025

Neutral Citation: Yes/No  
nsl

To

4/6



W.P.No.15207 of 2025

WEB COPY

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COIMBATORE NORTH,  
COIMBATORE DISTRICT.
2. THE DEPUTY COMMISSIONER OF PROHIBITION AND EXCISE,  
COIMBATORE.

**D.BHARATHA CHAKRAVARTHY, J.**



WEB COPY



W.P.No.15207 of 2025

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W.P.No.15207 of 2025

29.04.2025