



W.P.No.19699 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.19699 of 2022
and
W.M.P.No.19998 of 2022

The Salem District Sarvodaya Sangh,
Rep by its Secretary,
K.Arumugam,
Bharathipuram,
Thandavarayapuram,
Attur, Salem District - 636108

... Petitioner

VS.

The District Registrar of Societies,
Salem East,
Salem District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to register Form No.VI and VII submitted by the petitioner Sangh under Section 15 read with Rule 17 of the Tamilnadu Societies Registration Act and Rules, 1975, (Act 27 of 1975) on 01.02.2021 and issue registration certificate Form VI and VII to the petitioner sangh.



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For Petitioner : Mr.M.S.Palaniswamy

For Respondent : Mr.M.Shajahan
Special Government Pleader

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ORDER

The Writ Petition is filed seeking issue of writ of Mandamus, directing the respondent to register Form Nos.VI and VII submitted by the petitioner's Sangh under Section 15 read with Rule 17 of the Tamil Nadu Societies Registration Act and Rules, 1975, (Act 27 of 1975) on 01.02.2021 and issue registration certificate Form VI and VII to the petitioner sangh.

2. It is the case of the petitioner that the General Body Meeting of the petitioner's Sangh was convened on 28.01.2021 and wherein the New Office Bearers of the Sangh have been elected. The list of newly elected Office Bearers was submitted before the respondent for registration in Form Nos.VI and VII on 01.02.2021. In spite of the fact that the petitioner paid the registration fees, the respondent failed to consider the same and pass any final orders and therefore, the petitioner has come before this Court seeking

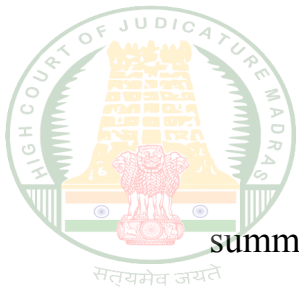


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necessary direction to the respondent to register Form Nos.VI and VII submitted by the petitioner.

3. The learned Special Government Pleader appearing for the respondent based on the counter affidavit submits that apart from petitioner, there is another group headed by one P.Amutha also submitted Form Nos.VI and VII before the respondent. Therefore, the respondent is not in a position to register the form submitted by the petitioner.

4. Whenever Form VII is submitted before the respondent for registration, he is expected to conduct summary enquiry and decide as to the correctness of the entries made thereon as per the ratio of the Full Bench of this Court in ***C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee, Karisal through its Secretary, Sri S.David Stephen, Karisal, Ambasamudram Taluk, Tirunelveli District and others Vs. The District Registrar Cheranmahadevi, Tirunelveli District and others (W.A.Nos.2969/2001, 331/2002 and 217/2004, dated 24.03.2005), reported in 2005(2) CTC 161***, wherein it was held that at the time of considering Form-VII application, the registration authority shall conduct



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summary enquiry and register the same only if he is satisfied about the genuineness of the details contained in Form-VII. The relevant portion of the said decision is extracted as under:-

“20. As the power of the Registrar to hold enquiry is only to arrive at a prima facie conclusion as to the correctness of the particulars given in Form VII, the provision of sub-section(9) of Section 36 should also be understood to mean that he could issue such directions to the registered society or any of the member of the society only with reference to the details furnished in Form VII. It must also be borne in mind that the enquiry under Section 36 is not only limited to the regular affairs of the society and such affairs not only include the constitution of a registered society but also to the working and financial condition, and hence, the power of the Registrar to issue such direction under sub-section (9) of Section 36 of the Act, in regard to the constitution of the registered society must be understood in the context of Form VII. Section 14 obligates the registered society to maintain a register containing the names, addresses and occupations of its members. Section 15 further mandates such registered society shall filed with the Registrar a copy of the register maintained by it under Section 14 and from time to time file with the



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*Registrar notice of any change among the members of the committee. In the absence of failure to comply with Section 14, the Registrar could only resort to the power under Section 37 to cancel the registration. **Hence, the power under sub section (9) of Section 36 cannot be stretched to a power on the Registrar to direct the registered society to hold fresh election.** A direction to hold fresh election would amount to indirectly setting aside the earlier election and such power is not conferred on the Registrar under any of the provisions of the Act. So long as the election is not declared invalid in the manner known to law, no direction for fresh election could be ordered. Validity of the election could very well be decided only by the competent Civil Court as the parties are entitled to let in their evidence to sustain their respective claims. In the event the Registrar satisfies himself as to the particulars furnished in Form VII as correct, he should enter the names in the register maintained for that purpose. In the event if he does not satisfy as to the particulars and thereby does not accept Form VII, he has to issue a direction relegating the parties to approach the Civil Court for appropriate orders and thereafter shall act as per the orders of the Civil Court. Accordingly, the issue is answered. Post the Writ Appeals for disposal accordingly.”*



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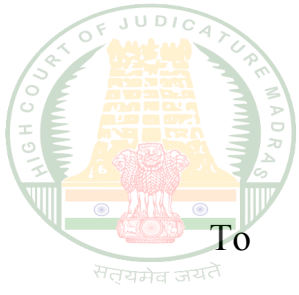
5. In view of the law laid down by the Full Bench of this Court in the

above mentioned case law, the respondent is directed to conduct summary enquiry and pass necessary orders in accordance with law, within a period of eight weeks from the date of receipt of copy of this order, after affording reasonable opportunity to the petitioner and rival groups.

6. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

21.01.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

WEB COPY The District Registrar of Societies,
Salem East,
Salem District.



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S.SOUNTHAR, J.

dm

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