



WEB COPY

WP No. 47536 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 47536 of 2025

and

WMP Nos.53079 & 53083 of 2025

Namakkal Taluk Lorry Owners Association
Rep. By Its President Mr. Arun,
No.87, Salem Road,
Namakkal-637 001

Petitioner(s)

Vs

1. State Lorry Owners Federation,
Tamilnadu
No.312, Karur-salem Bypass Road,
Auto Nagar Area, Vallipuram,
Namakkal -637 003

2.The District Registrar Of Societies
Office Of The District Registrar,
Namakkal District.-637 001

Respondent(s)

PRAYER

This writ petition filed under Article 226 of the Constitution of India issue a writ of certiorarified mandamus to call for the records relating to the election conducted by the 1st Respondent Federation on 05.11.2025 to quash the same and consequentially direct the 2nd Respondent not to accept the 2024 bylaw of 1st Respondent.



For Petitioner(s): Mr. S.Sheik Ismail

For Respondent(s): Mr. V.C. Janarthanan,
for Mr.S.Senthil,
for R1

Mr. U.Baranidharan,
Spl.G.P.
for R2

ORDER

This writ petition has been filed seeking issuance of a writ of Certiorarified Mandamus to quash the election conducted by the 1st respondent Federation on 05.11.2025 and to consequently direct the 2nd respondent not to accept the amended bye-laws of the year 2024 of the 1st respondent.

2. According to the petitioner, he is the president of the petitioner association, which is a member of the first respondent Federation. It is stated that the petitioner Association has around 8,500 members. There are about 111 lorry owners' associations in the State of Tamilnadu, with more than 50,000 members collectively. All the lorry owners' associations are affiliated with the 1st respondent Federation.

3. The office bearers of each association are empowered with five votes



to elect the office bearers of the 1st respondent Federation and are also entitled to contest for the posts therein.

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4. On 17.10. 2025, the 1st respondent announced elections for the post of President(1 post), Joint Presidents(5 posts), Secretary (1 Post), Joint Secretaries(5 Posts), Treasurer(1 Post), totalling 13 posts. For the posts of Joint President and Joint Secretary, it was fixed that selection would be zone wise, namely, North, East, West, South and Central. The duration of the office bearers post was fixed as three years. The Election schedule was fixed as Nomination-31.10.2025, scrutiny- 31.10.2025, Trial of Nomination – 05.11.2025, Final List -05.11.2025, Election-19.11.2025, Results- 19.11.2025.

5. As per the election notification dated 17.10.2025, applications from the candidates were to be received on 03.11.2025, scrutiny of nominations was to be conducted on the same day, withdrawal of nominations was fixed on 05.11.2025, and the final list of contesting candidates was to be published on 05.11.2025. The election was scheduled to be conducted on 19.11.2025 and the results were to be announced on the same day.

6. Contrary to the said schedule, the 1st respondent collected nomination applications for all the 13 posts on 03.11.2025 and conducted the scrutiny on the



very same day. Subsequently, on 05.11.2025, which was the date fixed for withdrawal of nominations, since no candidate had withdrawn their nominations, the members, who had filed nominations for their respective posts, were declared as elected unopposed. Hence, no actual election was conducted on 19.11.2025 as mandated under the election notification dated 17.10.2025. The entire process was concluded on 05.11.2025, and the results were declared on the same day, treating all 13 candidates as uncontested.

7. According to the petitioner, the election was conducted on the basis of the amended bye-laws of the year 2024. However, the said bye-laws were not approved in any General Body Meeting. As per the amended bye-laws of 2024, only one person is entitled to contest for each post and accordingly, only 13 candidates were allowed to participate. The terms based on the amended bye-laws were never informed either to the petitioner or to the other members of the associations.

8. The main contention of the petitioner is that the entire election process has been concluded on the basis of the amended bye-laws of the year 2024. An RTI reply obtained clearly indicates that the amended bye-laws have not been approved. Therefore, the election conducted on the basis of unapproved bye-laws cannot be valid in the eye of law. As per the original bye-laws, five votes



are permitted, whereas under the new bye-laws, only one vote per body is permitted, resulting in all the 13 candidates being elected unopposed.

According to the petitioner, the election process is vitiated and is liable to be set aside.

9. The learned counsel appearing for the 1st respondent would submit that a special resolution as well as a General Body Meeting was held in the year 2023. On 19.10.2023, a specific resolution was passed to amend the bye-laws and to restrict the number of votes. The petitioner has also participated in the meeting and had signed the resolution. The said resolution was presented for registration before the concerned authority and the same has been returned for want of payment of fees.

10. The learned Government pleader appearing for the 2nd respondent would submit that the bye-laws were returned on the ground that there was no special resolution and therefore, the matter was returned to the first respondent.

11. I have perused the materials placed on record.

12. The petitioner contends that the bye-laws have not been amended as required under the Societies Registration Act and challenges the election



conducted in the association. It is relevant to note that as per settled law, a writ petition is not maintainable for challenging the election of society.

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13. The Full Bench of this court in the case of ***C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee & others /vs/ The Dist. Registrar Cheranmahadevi, Tirunelvali District & others*** reported in **2005(2) CTC 161**, in paragraph 20, held as follows:-

“20. 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. ”

14. Hence, a writ would not lie challenging the election of a society. The said judgment has been consistently followed by subsequent Division Bench of this Court in the case of ***R.Muralidaran & 6 others /vs/ The District Registrar,***



South Madras & another reported in ***2008-2 LW 75***.

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15. The contention of the learned counsel for the petitioner that the election was conducted on the basis of unamended bye-laws can not be accepted at this stage. A typed set has been filed by the respondents, which clearly indicates that a resolution has been passed on 15.09.2023 by the Executive Committee of the Federation, followed by a General Body Meeting of the Federation on 19.10.2023. Both the resolutions are available on record and the petitioner is also a signatory to the General Body Meeting. The resolution clearly indicates the nature of the amendment brought in the bye-laws, including restriction of voting rights to one vote per association. Therefore, in view of the dictum laid down, challenging the very election by way of the present writ petition is not maintainable.

16. The learned counsel also drew the attention of this Court to Section 12(3) and 12(4) of the Societies Registration Act.

17. A careful perusal of Section 12(3) shows that amendment of the memorandum or bye-laws shall take effect from the date of passing of such resolution. Therefore, once registration takes place after rectifying defects, it would relate back to the date of the resolution.



18. In the present case, the resolution was passed in the year 2023, much prior to the election notification. In such view of the matter, the election cannot be questioned in the writ petition. Even otherwise, it is always open to the petitioner to approach the competent civil Court by filing an appropriate suit.

19. For the foregoing reasons, the writ petition is dismissed. No costs. Consequently , connected miscellaneous petitions are closed.

05-12-2025

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Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes

mrp

To

1.State Lorry Owners Federation, Tamilnadu
No.312, Karur-salem Bypass Road,
Auto Nagar Area, Vallipuram,
Namakkal -637 003

2.The District Registrar Of Societies
Office Of The District Registrar,
Namakkal District.-637 001

3. The Public Prosecutor,
High Court, Madras



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