



W.P.(MD)No.1496 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.01.2025

CORAM:

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.(MD)No.1496 of 2025

Mathew Jebasingh
The Secretary,
Mukuperi Pragasapuram India Ega Retchagar Sabaii,
ERS Church Street,
Nazareth,
Thoothukudi District.

... Petitioner

Vs.

1.The District Registrar (Societies),
Palayamkottai,
Tirunelveli District.

2.Mr.Maduram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Mandamus, to direct the first respondent to instruct the second respondent not to conduct extraordinary General Body Meeting based on his notice dated 09.01.2025 based on the petitioner's representation, dated 11.01.2025.



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For Petitioners : Mr.T.A.Ebenezer
For R1 : Mr.P.Subbaraj
Special Government Pleader
For R2 : Mr.Ragatheesh Kumar
for M/s.Isaac Chambers

ORDER

This writ petition has been filed for a Writ of Mandamus seeking to direct the first respondent to instruct the second respondent not to conduct extraordinary General Body Meeting as per the notice, dated 09.01.2025 based on the petitioner's representation, dated 11.01.2025.

2.Mr.P.Subbaraj, learned Special Government Pleader takes notice for the first respondent and Mr.Ragatheesh Kumar, learned counsel takes notice for the second respondent. With consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.It is the case of the petitioner that the petitioner is a Secretary of the Mukuperi Pragasapuram India Ega Retchagar Sabai registered in the year 1956. The second respondent is the President of the Society. The second respondent had issued a notice for extraordinary General Body



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Meeting on 09.01.2025 to be held on 19.01.2025 without following the procedure and rules. As per Section 28 of the Tamil Nadu Registration Act, after the receipt of the requisition in writing from the 25 members, the committee can call for extraordinary meeting, but the second respondent independently is calling for meeting even without issuing 21 days prior notice and without issuing notice to all the members. If the meeting is conducted, it will cause serious problems in the Society administration. The petitioner also submitted a representation, dated 11.01.2025 before the first respondent and the same is pending. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that the second respondent has been acting against the welfare of the society. The second respondent organized the General Body Meeting independently by issuing notice dated 09.01.2025 to be held on 19.01.2025. In the notice, dated 09.01.2025, wherein, it is mentioned as the minutes of the Management committee of the Salaipudur ERS Higher Secondary School to be confirmed. If anybody includes the President organizes General Body Meeting without following the Bye Laws, it will worse affect the functions of the society. To organise the extraordinary



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General Body Meeting 21 days prior notice is must as per Bye Laws of the Society. The notice contains only 10 days, which is illegal.

5. The learned counsel appearing on behalf of the second respondent, on instructions, would submit that the General Body Meeting is now postponed and to be scheduled on 30.01.2025 and therefore, 21 days prior notice has been complied with by the second respondent. As per Section 26(4) of the Tamil Nadu Registration Act, 1975 the Registrar may nominate an officer subordinate to him to be present at any such general meeting. The writ petition is not maintainable to challenge the notice issued by the second respondent. In support of his contention, he has relied upon the judgment of the Hon'ble Division Bench of this Court in ***Namakkal Taluk Lorry Owners Association vs. K.Nallathambi and others*** in ***W.A.No.779 of 2019, dated 11.03.2019***.

6. The learned Special Government Pleader appearing for the first respondent would submit that the representation, dated 11.01.2025 submitted by the petitioner is pending before the first respondent for consideration.



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7. It is seen from the records that Mukuperi Pragasapuram India Ega Retchagar Sabai is registered under the Societies Registration Act on 02.08.1956. As per the Memorandum of Association and its Bye Laws, all the members of the Church whose names have been registered in the members register are the members of the Society. The General Body of the Society shall elect the members of the 8 Management Committee members. The Management Committee members shall elect President, Secretary and Treasurer and other members amongst themselves. The petitioner is a Secretary and the second respondent is a President in the Society.

8. It is pertinent to mention that Chapter -III of the Tamil Nadu Societies Registration Act, 1975 deals with the Management and Administration of the Societies. For reference, Sections 14, 15 and 26 of the Tamil Nadu Societies Registration Act, 1975 reads hereunder:-

“Section 14- Register of members:- (1) Every registered society shall maintain a register containing the names, address and occupations of its members.



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(2) *The register of members shall, during business hours, be open to the inspection of any member free of charge and any member may make extracts therefrom.*

Section 15. Committee:- (1) *Every registered society shall have a committee of not less than three members to manage its affairs. Every registered society shall file with the Registrar a copy of of the register maintained by it under sub-section 91) of Section 14 and from time to time, file with the Registrar, notice of any change among the members of the committee.*

(2) *A copy of the register shall be filed either at the time of the registration of the society or within such period as may be prescribed from the appointment of the members of the first committee and the notice of any change among the members of the society or of the committee shall be filed within such period as may be prescribed from the date of such change.*

(3) *The members of the committee shall be appointed at a meeting of the society by a resolution of a majority of the members present and entitled to vote thereat.*

(4) *The term of office of the members of the committee shall not exceed three years from the date of their appointment.*

(5) *The members of the committee shall be eligible for re-appointment.*



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Section 26. Annual General Meeting:- (1) *At least one general meeting of the registered society shall be held in every financial year.*

(2) *Notice of every such general meeting shall be given by the registered society to its members within such period as may be prescribed before the day appointed for the meeting.*

(3) *The notice shall specify the day, hour and place and the object of the meeting and, in case any amendment of a bye-law or objects of association as contained in the memorandum is intended to be proposed, shall contain a copy of every such amendment.*

(4) *The Registrar may nominate an officer subordinate to him to be present at any such general meeting.”*

9. As per Section 35 and 36 of the Tamil Nadu Societies Registration Act, 1975 provided the power to the Registrar for conducting Inspection of books and Inquiry. Therefore, the Registrar is the competent person to conduct inspection of books of every registered society or by any person authorised by him in this behalf. The Registrar may, of his own motion (or) on the application of a majority of the members of the committee of a registered society (or) on the application of



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not less than one third of the members of that registered society, to hold an inquiry, into constitution, working and financial condition of that registered society. As per Section 26(4), the Registrar also may nominate an officer subordinate to him to be present at any such general meeting.

10. In view of the above, as per the submission made by the learned counsel appearing for the second respondent, the General Body Meeting is postponed and the schedule to be held on 30.01.2025, this Court is inclined to direct the first respondent to consider the representation submitted by the petitioner, dated 11.01.2025 and pass appropriate orders on merits and in accordance with law after providing an reasonable opportunity of hearing to the parties concerned, if necessary.

11. With the above the direction, the writ petition is disposed of. No costs.

17.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
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To
The District Registrar (Societies),
Palayamkottai,
Tirunelveli District.



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M.JOTHIRAMAN,J.

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