

W.P.(MD) No.7625 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.7625 of 2025

The Pennington Committee,
Rep. by its Secretary,
Mr.A.M.M.Radha Shankar.

...

Petitioner

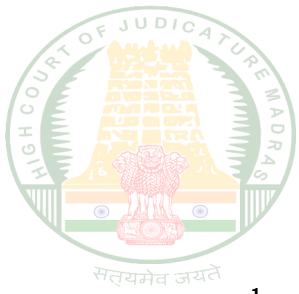
Vs

- 1 The District Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Sub-Collector,
Sivakasi Division,
Sivakasi,
Virudhunagar District.
- 3 The Tasildar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
praying for issuance of a writ of certiorarified mandamus, to call for the



W.P.(MD) No.7625 of 2025

records of the 2nd Respondent made in Na.Ka.A2/8718/2024, dated 08.03.2025, and Na.Ka.A2/8718/2024, dated 12.03.2025, and quash the same as illegal and without jurisdiction and consequently forbear the respondents from interfering with the management of the petitioner Committee and running Pennington library and two schools.

For Petitioner : Mr.V.Radhakrishnan,
Senior Counsel,
for Mr.S.Kadarkarai.

For Respondents : Mr.M.Ajmal Khan,
Addl. Advocate General,
for Mr.S.Shaji Bino,
Spl. Govt. Pleader.

ORDER

The petitioner seeks for the following relief :

"Writ of certiorarified mandamus, to call for the records of the 2nd Respondent made in Na.Ka.A2/8718/2024, dated 08.03.2025, and Na.Ka.A2/8718/2024, dated 12.03.2025, and quash the same as illegal and without jurisdiction and consequently forbear the respondents from interfering with the management of the petitioner Committee and running Pennington library and two schools."

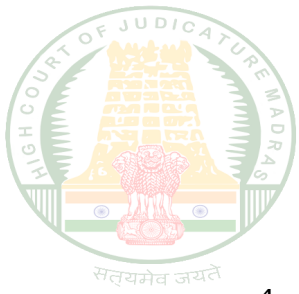


W.P.(MD) No.7625 of 2025

WEB COPY

2. The petitioner is a Society, registered under the Tamil Nadu Societies Registration Act, 1975. The Society has a long history. It was formed in the name of the then District Collector of Tirunelveli - Mr. Pennington. The purpose for formation of the Society was for running a library. As the library requires funds, in the open space belonging to the society, shops have been constructed. After construction of the library, shops were built and let out for rent. The District Collector is the *ex officio* President of the Society. On bifurcation of Tirunelveli District and creation of Virudhunagar District, the District Collector of Virudhunagar is presently the *ex officio* President of the Society.

3. The petitioner owns about 242 shops on Netaji Road, the very important landmark in the town of Srivilliputhur. On account of the fact that the town of Srivilliputhur was expanding and the traffic was also increasing, in 2001, the petitioner opened a Cycle Stand in order to augment the income of the Society.

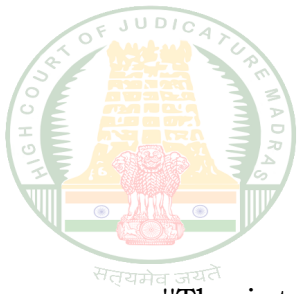


W.P.(MD) No.7625 of 2025

WEB COPY

4. This is not the first time the Society has approached this Court. Earlier, the District Registrar, Ramanathapuram, had initiated proceedings, which were challenged before this Court by way of two writ petitions in W.P.Nos.2961 and 2962 of 1983. The said writ petitions were allowed by Hon'ble Mr.Justice J.Kanakaraj, (as His Lordship then was). He held that the action initiated by the District Registrar against the Society reeks of arbitrariness. Subsequently, the petitioner knocked the doors of this Court again in the year 1997. That was in W.P.No.12409 of 1997 Batch, in which the respondents were District Collector, Tahsildar and Commissioner of Srivilliputhur Panchayat Union. The grievance expressed therein was that the District Collector had issued a Memo on 05.08.1997, calling upon the Secretary of the petitioner Society to collect rent from shopkeepers occupying the shops owned by the petitioner, and to keep the amount so collected in Trust till a decision was taken on the functioning of the Society.

5. This Court, by an order, dated 13.12.1999, held that the District Collector cannot interfere in the internal affairs of the Society, and held that



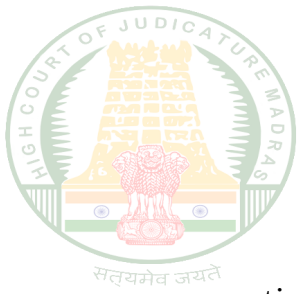
W.P.(MD) No.7625 of 2025

WEB COPY

"The interference of the Collector is nothing but interference in the internal administration of the Committee." Consequent to this discussion, the writ petition came to be allowed. Subsequently, another writ petition came to be filed in the year 2014. The cause of action for that writ petition was that the Commissioner of Srivilliputhur Municipality had issued an order, based on an audit report, calling upon the petitioner to pay a certain sum. That writ petition came to be allowed by this Court, with a further direction to the respondents to consider the plea for waiver of licence fee for the library.

6. I have narrated the history of the litigations initiated against the Society in order to point out that even in the year 1992, this Court was persuaded to take note of the fact that the Revenue Department had a grievance as against the Society.

7. The cause of action for this writ petition is that certain office-bearers of the Society, by name, S.Shanmuganathan, A.Arumugam and M.Kalusulingam, who were then Secretary, Vice-President and Treasurer,



W.P.(MD) No.7625 of 2025

respectively resigned from their post on 02.01.2025. They resigned from the primary membership of the Committee on 06.01.2025. On account of the vacancies had been created by the resignation of these office bearers and a few other committee members, the petitioner had to hold an emergency meeting on 05.01.2025.

8. In the emergency meeting, the vacancies, created due to the resignations of the aforesaid persons, were filled up by other members of the Society. The resignation of the aforesaid persons from the basic membership came to be accepted in the emergency general body meeting held on 26.01.2025.

9. Nearly 1 ½ months thereafter, a letter was addressed by the second respondent Sub-Collector, Sivakasi Division, informing the writ petitioner that the first respondent desires to nominate 13 persons mentioned in the annexure to the letter, as members of the petitioner committee. This letter was suitably replied by the office-bearers of the writ petitioner on

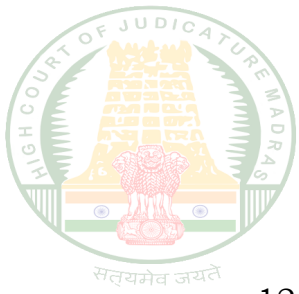


W.P.(MD) No.7625 of 2025

12.03.2025, stating that the vacancies, created by the resignations, have already been filled up and, therefore, the requisition made by first and second respondents cannot be complied with.

10. Despite this intimation, the second respondent, yet again, addressed a letter to the petitioner on 12.03.2025, stating that a special general body meeting is to be convened on 14.03.2025 at 11.00 A.M. The letter further informed the petitioner that the second respondent will preside over the meeting. The purpose of this meeting, apart from filling up vacancies, was also for updating the library and audit accounts, and to discuss important subjects. The petitioner responded that the request made by the second respondent cannot be complied with.

11. Finding that the impugned proceedings were passed by the District Administration, the petitioner knocked on the doors of this Court by way of this Writ Petition.

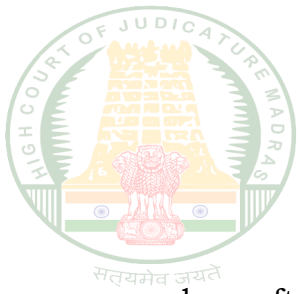


W.P.(MD) No.7625 of 2025

WEB COPY

12. When the matter came up for admission, I found that the District Collector, who is only an *ex officio* President of the Society, cannot interfere on day-to-day administration of the Society, which has to be governed in terms of the Tamil Nadu Societies Registration Act and the Rules made thereunder. Consequently, I granted an order of injunction, restraining the respondents from interfering with the day-do-day administration of the petitioner Society.

13. On the next date of hearing, Mr.V.Radhakrishnan, learned Senior Counsel, appearing for Mr.S.Kadarkarai, brought to my notice that despite the interim order, the second respondent proceeded further and held a committee meeting on 20.03.2025 and had broken open the locks of the building prior to entering the premises, and certain resolutions had been passed. Going by the judgment of a Full Bench of this Court in *Century Flour Mills Ltd. v. S.Suppiah and Others*, AIR 1975 MADRAS 270, I requested Mr.Veerakathiravan, learned Additional Advocate General, who was then representing the respondents, to ensure that any action, that had taken



W.P.(MD) No.7625 of 2025

place after the order of injunction is reversed and the position as it prevailed on the date of interim order be restored.

14. Mr.Veerakathiravan ensured that the keys were handed over to the writ petitioner, the present Secretary – Mr.Radha Shankar, and the position stood restored as on the date of the grant of injunction. As the actions, which were taken after the order of injunction, had been reversed, I took up the writ petition for disposal.

15. The first respondent has filed a counter to the writ petition. In the said counter, the District Collector has submitted as follows :

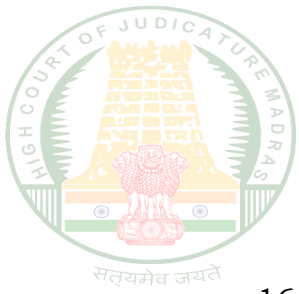
"4. I submit that on 02.01.2025, 3 office bearers resigned their post and 3 members were resigned from their membership of Pennington Committee and subsequently withdrawn by them before it was approved by the District Registrar, Virudhunagar. I submit that on intimation of resignation of office bearers and members of Pennington Committee, I am being the Ex-officio President of said Pennington Committee in order to ensure smooth administration of Pennington Committee and protects its interest. I have recommended thirteen eligible persons list through 2nd



W.P.(MD) No.7625 of 2025

WEB COPY

respondent therein vide Letter dated 08.03.2025 for filling up vacancies arosed in the Pennington Committee and in the said letter it was made clear to take decision by placing list of members in the Pennington committee members meeting. Since the existing members refuse to conduct meeting and further added members to Pennington Society contrary to Bye-law and section 28 (3) of Tamil Nadu Societies Registration Act, 1975 and therefore by letter 12.03.2025 on my instruction 2nd respondent requested the secretary to call for meeting of members of Pennington committee to discuss about the same. I hereby make it clear that I have no personal interest on the administration of Pennington Committee. The committee was originally formed by my illustrious predecessor during British rule, Lord Pennington, the then collector of Tirunelveli, with the noble intention of promoting reading, art, literature, and culture in this region. As the ex-officio Chairman, I consider it my moral and bounden duty to support the smooth functioning of the committee for the welfare of the town's public. Beyond this, I have not involved myself in its day to day administration. This respondent reserves his right to file additional counter affidavit if and when required. I submit that above writ petition is devoid of merits and deserves to be dismissed. This respondent reserves his right to file additional counter affidavit if and when required."

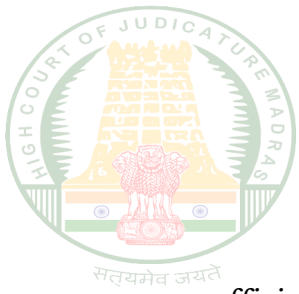


W.P.(MD) No.7625 of 2025

WEB COPY

16. Furthermore, Mr.M.Ajmal Khan, learned Additional Advocate General, representing Mr.Shaji Bino, learned Special Government Pleader, states that the first respondent - District Collector had merely recommended the names of the persons through the Sub-Collector and it was not a mandatory direction given by him to be implemented by the writ petitioner. He further added that being a Society governed by the Tamil Nadu Societies Registration Act,1975, and the Rules made thereunder, the Society will have to be governed only as per the Act and the Rules and that the first respondent will not interfere with the day-to-day administration of the Society. He also made it clear that the letter, that had been issued by the second respondent - Sub- Collector on behalf of the first respondent, was merely recommendatory and it was not binding on the Society.

17. In light of the categorical stand taken by the first respondent that his letter was not a directive or missive issued to the petitioner for compliance, but that it was a mere recommendation issued for the Society to consider, the same cannot be treated as one having the force of law. As the



W.P.(MD) No.7625 of 2025

ex officio President of the Society, the District Collector is entitled to give an advice to the Society and it is up to the Society to decide whether it wants to take the advice or not.

18. That being the position, this Writ Petition is disposed of with the following directions :

(1) The proceedings of the second respondent, dated 08.03.2025 and 12.03.2025 are mere recommendations to the Society.

(2) It is up to the office-bearers of the Society to discuss and take a call on the said letters. In case they decide not to accept the recommendations, they shall suitably reply the same to the second respondent.

(3) No costs.

(4) Consequently, the connected W.M.P.(MD) Nos.5775 and 6910 of 2025 are closed.

29.04.2025

(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dixit

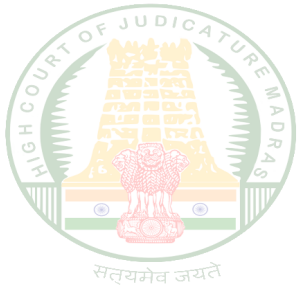


W.P.(MD) No.7625 of 2025

WEB COPY

To:

- 1 The District Collector,
Virudhunagar District,
Virudhunagar.
- 2 The Sub-Collector,
Sivakasi Division,
Sivakasi,
Virudhunagar District.
- 3 The Tasildar,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.



WEB COPY



W.P.(MD) No.7625 of 2025

V.LAKSHMINARAYANAN, J.

dixit

W.P.(MD) No.7625 of 2025

(1/2)

29.04.2025