



W.P.(MD).Nos.12172 of 2024 and 27092 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) Nos.12172 of 2024 and 27092 of 2023

W.P(MD) No.12172 of 2024

V.Jothi

... Petitioner

Vs.

1.The District Registrar of Societies,
Karaikudi, Sivagangai District.

2.Alagappan

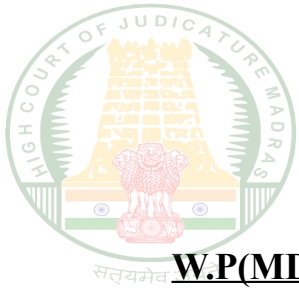
...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to accept the petitioner's association Form VII application, dated 28.04.2023 and file the same on record in accordance with law.

For Petitioner : Mr.B.Prasanna Vinoth

For R1 : Mr.S.Kameswaran
Government Advocate

For R2 : M/s.AR.Gandhimathi, Senior Counsel
for Mr.K.S.Kathiravan



W.P.(MD).Nos.12172 of 2024 and 27092 of 2023

W.P(MD) No.27092 of 2024

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Alagappan

... Petitioner

Vs.

1.The District Registrar of Societies,
Karaikudi, Sivagangai District.

2.The Secretary,
Karaikudi Sarvodaya Sangam,
No.2/2/87, Devakkottai Road,
Karaikudi, Sivagangai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to conclude his proceedings commenced as per Na.Ka.No.2099/A2/2023 dated 06.06.2023 by duly following the procedures under Sections 36 and 37 of the Tamil Nadu Societies Registration Act.

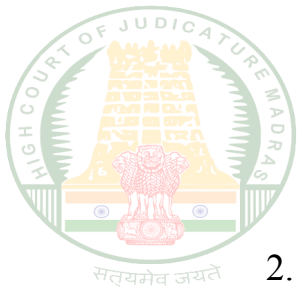
For Petitioner : M/s.AR.Gandhimathi, Senior Counsel
for Mr.K.S.Kathiravan

For R1 : Mr.S.Kameswaran
Government Advocate

For R2 : No appearance

COMMON ORDER

By this common order, these Writ Petitions are being disposed of at the time of admission, after hearing the learned counsel for the petitioners and the learned counsel for the respondents in both petitions.



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2. W.P(MD) No.27092 of 2023 has been filed by one Azhagappan for a Mandamus to direct the first respondent /District Registrar (Admin), Karaikudi to conclude the proceedings commenced as per communication in Na.Ka.No. 2099/A2/2023 dated 06.06.2023 by duly following the procedure under Sections 36 and 37 of Tamil Nadu Societies Registration Act, 1975.

3. The petitioner in W.P(MD) No.27092 of 2023 claims himself to be representing the interests of majority of the members of the Karaikudi Sarvodaya Sangam. It is submitted that the election that was said to have been held on 19.04.2023 is in violation of the bye-laws of the said society. Therefore, the petitioner has not only filed a suit in O.S.No.02 of 2025 before the District Munsif Court, Karaikudi, to declare the aforesaid election as null and void, but had taken steps to initiate under Section 36 of the Tamil Nadu Societies Registration Act, 1975 on 19.05.2023.

4. The learned Senior Counsel for the petitioner in W.P(MD) No.27092 of 2023 would submit that during pendency of the above said suit and during pendency of the enquiry under Section 36 of the Societies Registration Act, 1975, there is no scope for registering Form VII filed by the second respondent,

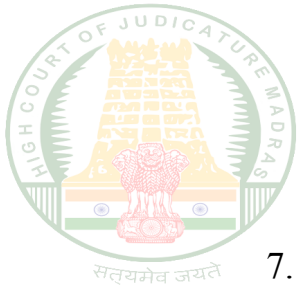


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who has incidentally filed W.P(MD) No.12172 of 2024 for a Mandamus to direct the first respondent to accept the Form VII application of the petitioner's association, dated 28.04.2023.

5. It appears that the enquiry was held and thereafter, summons were issued to the Secretary of the Karaikudi Sarvodaya Sangam, who was elected on 19.04.2023.

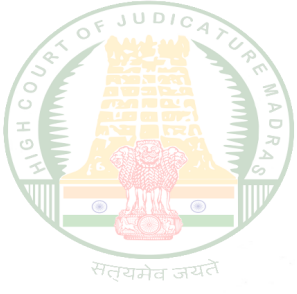
6. The learned Senior Counsel would specifically draw my attention to paragraph 9(c) of the counter affidavit filed in W.P(MD) No.27092 of 2023 to show that the second respondent/petitioner in W.P(MD) No.12172 of 2024 has not co-operated. Therefore, the District Registrar of Societies (Admin) in his proceedings, dated 02.02.2024 bearing reference in Se.Mu.No.0218/A2/2024, has rightly come to the conclusion that in view of the pendency of the proceedings before the civil Court, the acceptance of Form VII cannot be considered.



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7. The case on behalf of the Secretary / second respondent in W.P(MD) No.27092 of 2023 / petitioner in WP(MD) No.12172 of 2024 is that the election was held in presence of Joint Director of Kaadhi Board, Chennai, and that the petitioner in W.P(MD) No.27092 of 2023 was also a party to the proceedings as per the resolution recorded during the course of election on 19.04.2023. It is therefore submitted that it is not open for the petitioner in WP(MD) No.27092 of 2023 to put spoke into the wheels of the elected body as per the bye-laws on 19.04.2023.

8. The learned counsel for the petitioner in WP(MD) No.12172 of 2024 (second respondent in WP(MD) No.27092 of 2023) would submit that even as per Circular No.8413/I2/2013, dated 27.05.2022 issued by the first respondent, it has been clarified that in absence of a favorable order, the Form VII filed for recording changes, has to be accepted by the Registrar, wherein it is clarified as under:



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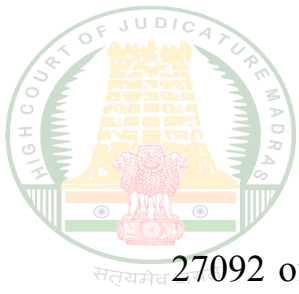
4. நீதிமன்றங்களில் சங்க நிர்வாகக்குழு தேர்தல் தொடர்புடைய படிவம் VII-ஐ கோர்வை செய்வதைத் தவிர பிற வழக்குகள் நிலுவையில் இருக்கும் நிலையில் தமிழ்நாடு சங்கங்கள் பதிவுச் சட்டம் 1975ன் பிரிவு 16(3)(b) இன் கீழ் தாக்கல் செய்யவேண்டிய சட்டப்பூர்வ படிவங்கள்/பதிவுருக்கள் மற்றும் தமிழ்நாடு சங்கங்கள் பதிவுச் சட்டம், 1975-ன் பல்வேறு பிரிவுகள் மற்றும் அதன் விதிகளின் கீழ், மாவட்டப்பதிவாளரிடம் படிவங்கள்/பதிவுருக்கள் ஆண்டறிக்கைகள் தாக்கல் செய்யப்பட்டால் அவ்வாறு தாக்கல் செய்யப்பட்ட ஆண்டறிக்கைகளை ஏற்பதற்கு நீதிமன்றத்தால் மாவட்டப்பதிவாளருக்கு தடை உத்தரவுகள்/இடைக்காலத் தடை உத்தரவுகள் ஏதும் இல்லை என்பதை உறுதி செய்து கொண்டு மாவட்டப்பதிவாளர் மேற்கண்ட கோர்வைகளை ஏற்கலாம்.

5. சுற்றறிக்கை எண்.7/2011 நாள்.27.07.2011 (எண்.34579/11/2011 நாள்.27.07.2011) மூலம் அறிவுறுத்தப்பட்ட கோர்வை தொடர்பான வழிகாட்டுதல்கள் இந்த சுற்றறிக்கை மூலம் மேலே சொல்லப்பட்டவாறு மாற்றியமைக்கப்பட்டுள்ளன.

6. இந்த சுற்றறிக்கை பெற்றுக் கொண்டமைக்கான ஒப்புதலை அனுப்பிட அனைத்து துணைபதிவுத்துறைத்தலைவர்கள் மற்றும் மாவட்டப்பதிவாளர்கள் கேட்டுக் கொள்ளப்படுகிறார்கள்.

9. It is submitted that the petitioner in W.P(MD) No.27092 of 2024 has not secured any favorable order from the civil Court in O.S.No.2 of 2025. With respect to the specific issue regarding the tenure of the elected body pursuant to the election held on 19.04.2023, it is informed by the learned counsel that the tenure is for a period of three years and, therefore, would end on 18.04.2026.

10. The learned senior counsel appearing on behalf of the second respondent in W.P(MD) No.12172 of 2024 would submit that the petitioner has not challenged the communication/order, dated 02.02.2024 bearing reference Se.Mu.No.0218/A2/2024 and has filed this second mentioned Writ Petition only for a mandamus. That apart, it is submitted that the petitioner in W.P(MD) No.

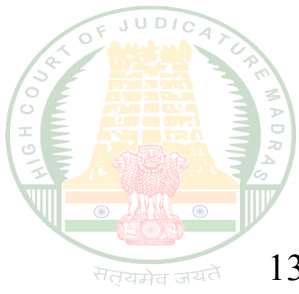


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27092 of 2023 has not participated in the deliberations in the meeting held on 19.04.2023 and therefore, it is not binding on him.

11. Having considered the submissions made by the learned counsels on either side and also having considered the decision of the Full Bench of this Court rendered in the context of section 36 of TN Societies Registration Act, 1975 in ***C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee Vs. The District Registrar Cheranmahadevi, Tirunelveli District***, I am of the view, the Writ Petition filed in W.P(MD) No.27092 of 2023 is liable to be dismissed.

12. The first respondent ought to have completed the enquiry pursuant to the petition filed by the petitioner in W.P(MD) No.27092 of 2023 on 19.05.2023 as expeditiously as possible, considering the fact that the tenure of the elected body itself is three years as per bye-laws. Instead, an order has been passed by the first respondent citing Circular No.8413/I2/2013, dated 27.05.2022, content of which has been extracted above.

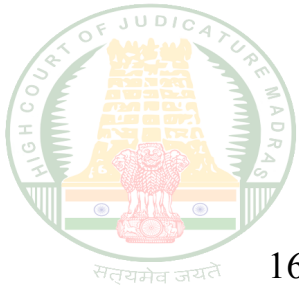


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13. The petitioner in W.P(MD) No.27092 of 2023 has initiated the proceedings both under section 36 of TN Societies Registration Act, and before the civil Court in O.S.No.02 of 2025. However, these proceedings are still pending. Thus, the elected body is unable to assume office and function effectively.

14. The enquiry pending before the first respondent is also directed to be completed. In case Form VII is to be rejected, such rejection may be after notice filing of Form VII is merely a ministerial act, as clarified in *V. Sobana Kumar vs. The District Registrar, Registrar of Societies, Marthandam*, reported in 2008 (4) L.W. 706.

15. Considering the fact that almost two years and two months have passed since the election was conducted, there shall be a direction to the first respondent to accept Form VII submitted by the petitioner in W.P.(MD) No. 12172 of 2024 / second respondent in W.P.(MD) No.27092 of 2023 and to ensure that the Society is able to carry out its objects as per the bye-laws. In case of any violation by the office bearers elected on 19.04.2023, it is open to the official respondents to take over the control of the Society by appointing a Special Officer.



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16. With the above observations and directions, these Writ Petitions stand

disposed of. No costs.

03.07.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

The District Registrar of Societies,
Karaikudi, Sivagangai District.



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C.SARAVANAN, J.

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