



W.A.(MD)No.1931 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A(MD)No.1931 of 2021

and

C.M.P(MD)No.8580 of 2021

P.M.K.Rassokhan

... Appellant /
3rd Party

Vs.

1.Dr.Zakir Hussain College Society,
(Registration No.8/1983),
Represented by its Secretary,
V.M.Jabarrullakhan,
Ilayankudi,
Sivagangai District.

... Respondent /
Petitioner

2.The District Registrar cum
Registrar of Societies,
Sivagangai District,
Sivagangai – 630 702.

... Respondent /
Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 23.07.2021 made in W.P(MD)No.11899 of 2021 on the file of this Court and allow this Writ Appeal.

For Appellant : Mr.T.Selvan

For Respondents : Mr.H.Thayumanaswamy for R.1



WEB COPY



W.A.(MD)No.1931 of 2021

Mr.N.Ramesh Arumugam
Government Advocate for R.2

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.One D.M.Nazir Ahamed filed W.P(MD)No.11726 of 2020 for nomination of an observer for holding an election for the executive members and office bearers of Dr.Zakir Hussain College Society. The writ petition was disposed of on 01.10.2020 with certain directions. Pursuant to the directions, an election was conducted. But then, the District Registrar, Sivagangai did not register the Form -7 submitted by the Society. Hence, the college Society filed W.P(MD)No.7906 of 2021. The writ petition was disposed of on 16.04.2021 in the following terms:

“4. A writ petition came to be filed in W.P.(MD).No. 11726 of 2020 with a prayer for conducting the elections for the period from 2020 to 2023. This Court after hearing the parties, disposed of the writ petition by an order dated 01.10.2020. The relevant portions in the order are extracted hereunder:-

“9.The Returning Officer for the election will give an application well in advance to the District



WEB COPY



W.A.(MD)No.1931 of 2021

Administration and the District Administration is directed to permit assembling of the members of the second respondent's Society for the purpose of holding election.

10.The District Administration as well as the local Body are entitled to issue appropriate advisory and it will be the duty of all members of the Society to strictly adhere to the norms stipulated by the Administration.”

5. Pursuant to the above orders, the petitioner Society convened a meeting of the Managing committee and passed a resolution to conduct the election as directed by this Court. The Election is said to have been conducted on 27.12.2020 and the results were also declared on the same day. The newly elected office bearers took charge and on 28.12.2020, a meeting of the Managing Committee was also convened and necessary resolutions were passed.

6. The petitioner Society, thereafter, through a representation, dated 28.12.2020, forwarded the Form-VII to the respondent, containing the details of the newly elected office bearers for the period from 2020-2023. The petitioner Society also paid the necessary charges on 30.12.2020.”

Even thereafter, the District Registrar, Sivagangai did not register the Form -7 issued an order dated 09.06.2021 that unless the return for the previous years are compiled with, the Form – 7 will not be registered.



W.A.(MD)No.1931 of 2021

WEB COM

3.Challenging the same, Dr.Zakir Hussain College Society had filed one more writ petition in W.P(MD)No.11899 of 2021. When the matter came up on 15.07.2021, the learned single Judge passed the following order:

“2. This Court has passed a detailed order in W.P. (MD).No.7906 of 2021, dated 16.04.2021. Pursuant to the same, the respondent was directed to register the Form-VII with respect to the persons, who were elected in the election conducted by Court appointed Commissioner. The respondent instead of registering Form-VII has kept it pending on the ground that the earlier Forms-VII pertaining to the earlier years have not been properly registered. The respondent shall act on the Form-VII that has been submitted by the petitioner and comply with the order passed by this Court and report on 23.07.2021. This Court is not concerned about the inter se dispute with regard to the election and the aggrieved persons will have to work out their remedy in the manner known to law.”

The said direction was finally complied with. Recording the said compliance and noting the registration of Form - 7, W.P(MD)No.11899 of 2021 was closed on 23.07.2021. The learned single Judge, however, gave liberty to any person aggrieved by the registration of Form – 7 to work out their remedy before the appropriate forum in the manner known to law. This order is under challenge in this Writ Appeal by a third party.



W.A.(MD)No.1931 of 2021

4.We are not inclined to entertain this writ appeal for more than one reason. The subject matter pertains to the year 2022-23. We are now in 2025. The matter has become infructuous. Secondly, any person aggrieved by registration of Form – 7, in normal circumstances will have to go only before the jurisdictional civil Court. In Writ proceedings one cannot normally get remedy. No case is made out for interference.

5.This writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [M.J.R., J.]
28.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Secretary,
Dr.Zakir Hussain College Society,
V.M.Jabarrullakhan,
Ilayankudi,
Sivagangai District.

2.The District Registrar cum
Registrar of Societies,
Sivagangai District,
Sivagangai – 630 702.

5/6



WEB COPY



W.A.(MD)No.1931 of 2021

G.R.SWAMINATHAN,J.

AND

M.JOTHIRAMAN, J.

MGA

W.A(MD)No.1931 of 2021

28.03.2025