



W.P.(MD) Nos.16898 & 17316 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) Nos.16898 & 17316 of 2025

and

W.M.P.(MD) Nos.12794 & 13206 of 2025

In W.P.(MD) No.16898 of 2025

M.S.P.Senthilkumar

... Petitioner

Vs

1. The District Educational Officer,
Virudhunagar,
Virudhunagar District.

2. Registrar of Societies,
Registration Department,
Virudhunagar,
Virudhunagar District.

3. N.Mariyappan

... Respondents

In W.P.(MD) No.17316 of 2025:

N.Mariyappan

... Petitioner

Vs



W.P.(MD) Nos.16898 & 17316 of 2025

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1. The District Registrar,
Virudhunagar.

2. The District Educational Officer,
Virudhunagar,
Virudhunagar District.

3. M.S.P.Senthilkumar

... Respondents

PRAYER in W.P.(MD) No.16898 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call records pertaining to second respondent Na.Ka.Letter No.179/E1/2025 in which the form 7 containing Adhoc Administrative Committee members list was returned and quash it as illegal and consequently, direct the second respondent to permit Adhoc Administrative committee members nominated the petitioner as patron to administer the school till the Election to the administrative committee is held after revising the Election Voter.

For petitioner : Mr.H.Lakshmi Shankar

For respondents : Mr.P.T.Thiraviam
Government Advocate for R1
Mr.G.Suriyananth
Additional Government Pleader for R2
Mr.H.Lakshmi Shankar for R3

PRAYER in W.P.(MD) No.17316 of 2025: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to



W.P.(MD) Nos.16898 & 17316 of 2025

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call for the records of the impugned proceedings in Na.Ka.No. 179/E1/2025, dated 28.05.2025 on the file of the first respondent and to quash the same as arbitrary, illegal and without jurisdiction, and consequentially direct the first respondent to take the Form VII filed by the petitioner on file.

For petitioner : Mr.H.Lakshmi Shankar

For respondents : Mr.G.Suriyananth
Additional Government Pleader for R1
Mr.P.T.Thiraviam
Government Advocate for R2
Mr.K.Raghul Priyan for R3

COMMON ORDER

By this common order, these Writ Petitions are disposed of at the time of admission after hearing the learned counsel for the respective petitioners.

2. Both the Writ Petitions are filed against the impugned order passed by the first respondent in W.P.(MD) No.17316 of 2025, whereby, Form VII filed by the respective petitioners' have been rejected on the ground that the purported elections and the method of nomination under the By-laws of the Mallanginaru Nadar Mahajana Kilai Sangathukkup Pathiyamana M.S.P.Senthilkumara Nadar



W.P.(MD) Nos.16898 & 17316 of 2025

Uyarnilaippalli Paribalana Sabai, are contrary to the Tamil Nadu Societies Registration Act, 1975. The said Association was registered under the purview of the Central enactment, namely, Societies Registration Act, 1860 (Act 2 of 1860).

3. W.P.(MD) No.16898 of 2025 has been filed by one M.S.P.Senthil Kumar, who had filed Form VII on 29.04.2025. The said Form VII filed under the provisions of the Tamil Nadu Societies Registration Act, 1975 was purportedly filed by him giving the names of seven Executive Members, as is contemplated under the By-laws of the said association.

4. W.P.(MD)No.17316 of 2025 has been filed by one N.Mariappan, who claims that he along with 18 others were elected as per By-laws during the elections held for the constituencies on 08.01.2025, 10.01.2025, 12.01.2025 and 13.01.2025 and that the seven Executive Members were elected as per the By-laws on 29.01.2025 from among the members, who were elected on 08.01.2025, 10.01.2025, 12.01.2025 and 13.01.2025 from the constituencies.

5. The learned counsel for the petitioner in W.P.(MD) No.17316 of 2025 fairly concedes that the elections did not precede mandatory two months notice as



W.P.(MD) Nos.16898 & 17316 of 2025

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6. It is, however, submitted that the outgoing Secretary had called for the elections, as per By-laws on the dates mentioned above, pursuant to which on 29.01.2025 elected members from the five constituencies elected the Executive Members of the society and thus, filed Form VII on 30.01.2025.

7. On the other hand, it is the submission of the learned counsel petitioner in W.P.(MD) No.16898 of 2025 on behalf of the Patron that the election has to be from among the male members from the five constituencies.

8. That apart, it is submitted that elections were not held in at least two constituencies of the five constituencies and therefore, the elections were not held as per By-law No.23(a). It is further submitted that in two other constituencies, they have not conducted uniform election and there is a dispute.

9. It is further submitted that two members, out of which, one from the Patrons and another from the nominated members to the constituted electoral body for the election of the Executive Committee, who was not from among the



W.P.(MD) Nos.16898 & 17316 of 2025

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patrons and that the petitioner in W.P.(MD) No.17316 of 2025 had nominated others and it also is contrary to by-law Nos.20-21.

10. On the other hand, it is noticed that the District Registrar (first respondent in W.P.(MD) No.17316 of 2025 and second respondent in W.P.(MD) No.16898 of 2025) has declined to regularize the Form VII filed by the respective parties stating that the elections are based on the constituencies without any proper electoral Rolls and therefore, the elections held were contrary to the provisions of the Tamil Nadu Societies Registration Act, 1975. The operative portion of the impugned order reads as under:

1) Mallanginar Nadar Mahajana Kilai Sangathukkuppathiyamana MSP Senthilkumara Nadar Uyarnilaippalli Paribalana Sabai, Mallanginar (பதிவு எண். 3/1949) என்ற சங்கமானது ஒரு அரசு உதவி பெறும் சங்கமாகும். இந்நிலையில் மேற்படி சங்கத்தின் நிர்வாகத்தினர் பதவிக்காலம் சென்ற 29.01.2025 அன்றுடன் முடிவடைந்த நிலையில், மேற்படி சங்கத்தின் புதிய நிர்வாகக்குழு தேர்வு,



W.P.(MD) Nos.16898 & 17316 of 2025

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மேற்படி சங்க துணைவிதியின்படி தேர்வு செய்ததாகவும், மேற்படி நிர்வாகக்குழுவின் புதிய செயலாளர் திரு. ந. மாரியப்பன் என்பவரால் படிவம்-7 கோர்வைக்கு தாக்கல் செய்யப்பட்டுள்ளது.

2) மேற்படி சங்கத்தின் நிர்வாகக்குழுவின் பதவிக்காலம் 29.01.2025 அன்று முடிவடைந்த நிலையில், புதிய நிர்வாகக்குழு தேர்வு நடைபெறவில்லை எனவும், மேற்படி சங்க துணைவிதி எண். 23(அ)ன்படி மேற்படி சங்கத்தின் புரவலரால், தாமே நேராகவோ அல்லது பிரதிநிதி ஒருவரை நியமித்தோ நிர்வாகம் செய்யலாம் என உள்ளதன்படி புதிய நிர்வாகக்குழுவினை தேர்வு செய்தும், மேற்படி நிர்வாகக்குழுவின் செயலாளர் திரு. ம. செந்தில்குமார் என தெரிவித்து மேற்படி சங்கத்தின் புரவலர் திரு. M.S.P. செந்தில்குமார் என்பவரால், படிவம்-7 கோர்வைக்கு தாக்கல் செய்யப்பட்டுள்ளது.

3) இரு தரப்பினர்களால் கோர்வைக்கு தாக்கல் செய்யப்பட்ட படிவம்-7 மற்றும் மேற்படி சங்கத்தின் துணைவிதிகள் கவனமுடன் பரிசீலிக்கப்பட்டது. மேற்படி சங்கத்தின் துணைவிதிகள் தமிழ்நாடு சங்கங்கள் பதிவுச்சட்டம் 1975க்கு முரணாக உள்ளது கண்டறியப்பட்டுள்ளது.

அ) பதிவு பெற்ற ஒரு சங்கத்தின் உறுப்பினரை சேர்ப்பதோ அல்லது நீக்குவதோ பொதுக்குழு உறுப்பினர்களால் நிறைவேற்றப்படும் தீர்மானத்தின் அடிப்படையிலேயே இருக்க வேண்டும். மாறாக மேற்படி சங்கத்தில் புரவலரால் நியமனம் என்பது தமிழ்நாடு சங்கங்கள் பதிவுச்சட்டம் பிரிவு 15(3)க்கு முரணாக உள்ளது.

ஆ) மேலும், நிர்வாகக்குழு உறுப்பினர்கள் நியமனம் மேற்படி சங்கத்தில் தொகுதி வாரியாக தேர்வு செய்யப்பட்டுள்ளது. அவ்வாறு தொகுதி வாரியாக தேர்வு செய்யப்படும் உறுப்பினர்கள் மற்றும் தொகுதி வாரியாக தேர்வு செய்வோர் யாரும் மேற்படி சங்க உறுப்பினர் பட்டியலில் இடம்பெறவில்லை என்பதும் சங்கப்பதிவுச்சட்டத்திற்கு முரணானதாகும்.

எனவே, மேற்கண்ட காரணங்களால் பார்வை 1 மற்றும் 2ல் காணும் கடிதவழி தாக்கல் செய்யப்பட்ட அறிக்கைகளை கோர்வைக்கு ஏற்க இயலாது என திருப்பப்படுகிறது.

11. The learned Additional Government Pleader for the first respondent in W.P.(MD) No.17316 of 2025 submits that the society is running a Higher Secondary School, in which there is a possibility of misuse and there is a dispute among the members and therefore, submits that Form VII has been rightly



W.P.(MD) Nos.16898 & 17316 of 2025

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rejected as the elections purportedly held on the dates mentioned above are contrary to the provisions of Tamil Nadu Societies Registration Act, 1975.

12. I have considered the arguments advanced by the learned counsel for the respective petitioners, learned Additional Government Pleader for the first/second respondent, learned Government Advocate for the second/first respondent and the learned counsel for the third respondent in W.P.(MD) No. 17316 of 2025/16898 of 2025.

13. As per Section 53 of the Tamil Nadu Societies Registration Act, 1978, only the provisions of the By-laws, which are consistent with the new Act, shall continue in force until altered or rescinded. By implication of the provisions, which are inconsistent with the Societies Registration Act, 1975, cannot continue to be in force.

14. The new Act came into force with effect from 22.04.1978. The By-laws of the society is of the year 1949. It has not been altered and since then, elections have been conducted as per the By-laws, which are strictly not in accordance with the Tamil Nadu Societies Registration Act, 1975. However, Form VII have been



W.P.(MD) Nos.16898 & 17316 of 2025

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accepted in the Act and acted upon and also there were no reported dispute in the management of the society and the school run by the society.

15. The facts that the election process itself was initiated by the outgoing Secretary of the Society and the elections of members from the constituency were held on 08.01.2025, 10.01.2025, 12.01.2025 and 13.01.2025 and thereafter, the election to the Executive Committee members held on 29.01.2025 from the elected 19 members and two others, who are not from the Patrons family. The persons, who is said to have been nominated, is not the nominee of Patrons. Form VII that is filed on behalf of the Patron (petitioner in W.P.(MD) No.16898/2025) on 29.04.2025 is purportedly an Ad hoc body of the executive members purportedly in the exercise of the power conferred in By-law No.23(a).

16. Whichever way one looks at it, the elections have not been conducted in accordance with the existing By-laws and the provisions of the Tamil Nadu Societies Registration Act, 1975. To the extent, the By-laws inconsistent with the new Act and they are redundant. Therefore, the By-laws will have to be amended.

17. The body, which has been elected on the dates mentioned above, that is



W.P.(MD) Nos.16898 & 17316 of 2025

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on 08.01.2025, 10.01.2025, 12.01.2025 and 13.01.2025, along with the petitioner in W.P.(MD) No.16898 of 2025, that is M.S.P.Senthil Kumar from the Patrons and one person to be nominated by the Patrons, shall administer the society for a period of six months from today. A fresh Form VII shall be filed by the petitioner in W.P.(MD) No.17316 of 2025 incorporating name of M.S.P.Senthil Kumar and nominating person, within one week from the date of receipt of a copy of this order. The body shall act as Adhoc Committee.

18. This body shall be responsible for taking steps to amend the By-laws within a period of six (6) months from today. Thereafter, a proper electoral Rule shall be prepared and fresh election shall be held strictly in accordance with amended By-laws in consistent with the provisions of the Tamil Nadu Societies Registration Act, 1975.

19. In case, there is a failure on the part of the respective petitioners, the amendment of the By-laws and to bring all the members in the electoral list as per By-laws amending, representing the members of Nadar Community from the five constituencies both from male and female and neutral gender, it will be open for



W.P.(MD) Nos.16898 & 17316 of 2025

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the District Educational Officer/second respondent in W.P.(MD) No.17316 of 2025 to take over the management of the association in accordance with the provisions of the Tamil Nadu Societies Registration Act, 1975 as well as school in accordance with the provisions of Tamil Nadu Private Schools (Regulation) Act, 2018 and the Rules made under for direct payment.

20. It is made clear that pending exercise, Ad hoc Committee, which stands regularised, shall file Form VII as stipulated above and the Ad hoc body shall be responsible for receiving the payment and administer the school for a period of six (6) months from today.

21. These Writ Petitions are disposed of, with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
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30.06.2025



W.P.(MD) Nos.16898 & 17316 of 2025

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To

1. The District Educational Officer,
Virudhunagar,
Virudhunagar District.

2. Registrar of Societies,
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W.P.(MD) Nos.16898 & 17316 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) Nos.16898 & 17316 of 2025

30.06.2025