

W.P.(MD) No.17991 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	02.07.2025
Pronounced on	23.07.2025

CORAM

THE HON'BLE MR.JUSTICE C. SARAVANAN

W.P.(MD) No.17991 of 2025

and

W.M.P.(MD) Nos.13764 and 13766 of 2025

T.Gopi

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai 600 028.

2.The District Registrar,
Madurai North Registration District,
Integrated Registration Campus,
Rajakambiram, Othakadai,
Madurai District.

3.Yadhavar Kalvi Nidhi,
A Registered Society,
(Reg.No.85/1962),
Represented through its Secretary,
R.V.N.Kannan,
Govindarajan Campus,
Tirupalai, Madurai - 625 014.

... Respondents



W.P.(MD) No.17991 of 2025

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Declaration, declaring the impugned notice dated 06.06.2025 issued by the third respondent calling for the General Body Meeting on 06.07.2025 as null and void as it is contrary to the provisions of Section 26 of the Tamil Nadu Societies Registration Act, 1975 and Rule 25 of the Tamil Nadu Societies Registration Rules, 1978.

For Petitioner : M/s.P.Jesi Jeeva Priya

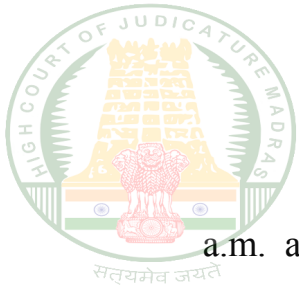
For R1 & R2 : Mr.Veerakathiravan,
Additional Advocate General – III,
assisted by Mr.S.Kameswarn
Government Advocate

For R3 : Mr.T.Mohan, Senior Counsel
for Mr.E.V.N.Siva

ORDER

Heard the learned counsel for the petitioner, the learned Additional Advocate General for the first and second respondents, and the learned Senior Counsel for the third respondent.

2. In this Writ Petition, the petitioner has challenged the impugned notice dated 06.06.2025 issued by the third respondent, who is the Secretary of Yadhavar Kalvi Nithi (Yadhavar Education Fund). The impugned notice proposes to convene the General Body Meeting of Yadhavar Kalvi Nithi (Yadhavar Education Fund) on 06.07.2025 at 10:30



W.P.(MD) No.17991 of 2025

a.m. at Amarar Ponnaiah Konar Auditorium, located in the registered office of Yadhavar Kalvi Nithi (hereinafter referred to as 'the Society').

The agenda for the meeting is as follows:

கூட்டப்பொருள்	Collective Object
1. 2024-2025 நிதியாண்டு வரவு-செலவு கணக்கு தணிக்கை அறிக்கையை அங்கீகரித்தல். 2. யாதவர் கல்விநிதி உறுப்பினர் ஆண்டு சந்தா (2023-24, 2024-25, 2025-26) வசூலித்தல் சார்பாக. 3. யாதவர் கல்விநிதி சங்க உறுப்பினர் அடையாள அட்டை (Digital ID Card) வழங்குவது சார்பாக. 4. செயற்குழு உறுப்பினர் நீக்கம் மற்றும் நியமனம் சார்பாக. 5. உறுப்பினர் நீக்கம் மற்றும் உறுப்பினர் சேர்க்கை சார்பாக. 6. 2024-2025 ஆம் ஆண்டு செயற்குழு கூட்ட நடவடிக்கைகள் ஒப்புதல் மற்றும் சங்க செயலாளரால் கொண்டு வரப்படும் இதர பொருள் சார்பாக.	1. Approval of the audit report for the 2024-2025 financial year. 2. On behalf of collecting the annual subscription of the Yadav Education Fund (2023-24, 2024-25, 2025-26) 3. On behalf of the issuance of a Yadav Scholarship Association Member Identity Card (Digital ID Card). 4. On behalf of the removal and appointment of executive committee members. 5. On behalf of membership removal and membership addition. 6. Approval of the proceedings of the Executive Committee meeting for the year 2024-2025 and other matters brought forward by the Association Secretary.

3. The petitioner claims to be a member of the Society. The said Society was registered in the year 1962 under the provisions of the Tamil Nadu Societies Registration Act, 1975. It is primarily engaged in running an Arts College in the name of 'Yadava College' since 1969 and is in



W.P.(MD) No.17991 of 2025

receipt of Government aid. At present, the Society is governed by the provisions of the Tamil Nadu Societies Registration Act, 1975 and the Tamil Nadu Private Colleges (Regulation) Act, 1976. There has been a long-standing dispute with regard to the management of the Society, and several orders have been passed by this Court.

4. In 2011, a batch of Writ Petitions was filed before this Court in W.P.(MD) No.13759 of 2011, etc. batch, wherein this Court, *vide* order dated 05.03.2013, ordered as follows:

80. In the result -

(i) W.P.(MD) No.13579 of 2011, 2582, 5948, 15398 and 15403 of 2012 are dismissed.

(ii) W.P.(MD) No.8451, 16595 to 16599 of 2012 and 1124 of 2013 are allowed.

(iii) The Secretary to Government, Higher Education Department, who is the first respondent in W.P.(MD) Nos.2582, 5948 and 8451 of 2012, shall take steps at the earliest for action under Section 14-A of the Tamil Nadu Private Colleges (Regulation) Act, 1976. The Secretary to Government shall take action accordingly, after following due process of law, within two months of receipt of a copy of this order. Similarly, the Inspector General of Registration shall forward his report dated 28.3.2012 to the concerned Secretary to Government, to take action in terms of Section 34-A of the Tamil Nadu Societies Registration Act, 1975, which shall also be



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W.P.(MD) No.17991 of 2025

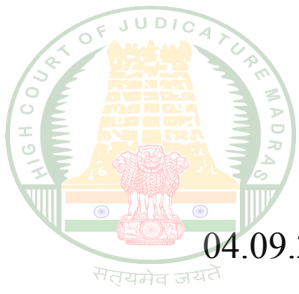
completed within a period of two months, after following due process of law. But these actions shall be subject to the outcome of the civil litigation especially the Scheme suit. However, while taking action under the above statutory provisions, the Government shall not be solely guided by my observations, but shall independently consider the issues. The Government shall also not be carried away by the scurrilous attacks made on individuals without any proof.

(iv) It is also made clear that the report of the Inspector General of Registration dated 28.3.2012 shall not be taken by the Civil Court, to constitute a final adjudication on the validity of the elections. The Civil Court has to deal with the issue independently.

There will be no order as to costs in any of these writ petitions. Consequently, connected miscellaneous petitions are closed.

5. Thereafter, by an order dated 31.03.2021 in W.P.(MD) Nos. 14362 of 2018 etc. batch, this Court appointed Hon'ble Mr.Justice S.Rajeswaran (Retired), formerly of the Madras High Court, as the Administrator of the society, viz., Yadhavar Kalvi Nidhi, as well as Yadhava College, Madurai, to manage the affairs of the society and the college, and to conduct the elections.

6. A series of orders have been passed concerning the issue relating to the electoral rule. One such order was passed by this Court on



W.P.(MD) No.17991 of 2025

04.09.2023 in W.P.(MD) Nos.18849 & 18939 of 2023 and 16340 of 2022,

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the details of which are captured in paragraphs 27 to 29 of the order dated

03.01.2025, passed in a batch of Writ Petitions in W.P.(MD) No.21458 of

2023 and connected cases. These Writ Petitions were filed by

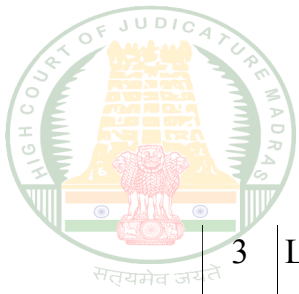
Mr.K.Kannan, the then Secretary of the Society; Mr.R.V.Kannan, the

current Secretary of the Society and the third respondent;

Mr.L.Nandagopal Yadav; and Mr.P.Gunasekaran. They were disposed of

vide order dated 03.01.2025, the details of which are given below:

Sl. No.	Writ Petitioner's Name	W.P.No.	Prayer
1	K.Kannan	21458 of 2023	for a mandamus to direct the administrator of the first respondent society namely Yadhavar Kalvi Nidhi to issue true copies of the documents mentioned in the letter dated 07.08.2023 relating to the election held on 05.08.2023, namely the list of voters who cast their votes, list of voters signed in the register, CCTV footage of the election proceeding.
2	R.V.N.Kannan	2374 of 2024	for a certiorari calling for the records relating to the impugned proceeding of the first respondent (Director of Collegiate Education) in his proceedings dated 24.01.2024 bearing Ref.Na.Ka.No. 38148/G4/2024 and quashing the same.



W.P.(MD) No.17991 of 2025

3	L.Nandagopal	6473 of 2024	for declaration declaring that form vii filed under Tamilnadu Societies Registration Act and Rules 1975 by the respondent administrator as null and void being in violation of section 30, 31, 34A and Section 34b and Rule 28, 33A, 33B of the Societies Registration Act 1975 and the Division Bench dated 15.11.2023 passed in WA(MD) 1968 of 2023.
4	P.Gunasekaran	6575 of 2024	for certiorarified mandamus calling for the records of the first respondent (Director of Collegiate Education) relating to the proceedings in Moo.Mu. 38148/G4/2023 dated 27.10.2023 by permitting the fourth respondent to act as secretary of the college committee of the Yadava College, Thirupalai, Madurai to quash the same as illegal ultravires and as against the provisions of Tamilnadu Private Colleges Regulation Act and consequently, to direct the first respondent to take control and administration of the Yadava College, Thirupalai, Madurai through the second respondent.

7. Ultimately, this Court, in the above order dated 03.01.2025, had held as under:

51. Only if the Registrar of Society, namely the Inspector General Of Registration or the District Registrar appointed under section 6 of the Registration Act, 1908 or any other person authorised by the Government to exercise all or any of the Powers of the Registrar under the provisions of the Tamil Nadu Societies Registration Act, 1975 questions or has



WEB COPY



W.P.(MD) No.17991 of 2025

questioned Form VII filed by the Learned Administrator, question of the challenging the jurisdiction of the “Committee”, viz “College Committee” as defined in Rule 2 (c) of the Tamil Nadu Private Colleges (Regulation) Act, 1976 constituted by the “Educational Agency” as defined in section 2 (4) of the Tamil Nadu Private Colleges (Regulation) Act, 1976, by the 1st respondent (Director of Collegiate Education) cannot be countenanced.

52. The impugned proceedings dated 27.10.2023 bearing reference Moo.Mu.38148/G4/2023, challenged in W.P.(MD)No.6575 of 2024 by Mr.P.Gunasekaran, issued by the 1st respondent (Director of Collegiate Education) asking the petitioner in W.P.(MD)No.2374 of 2024 namely Mr.R.V.N.Kannan, The Secretary of the Society viz. Yadhava Kalvi Nidhi / Secretary of the Committee to file Form VII under the provisions of Tamil Nadu Societies Registration Rules, 1978 is of no significance. It is not the function of the 1st respondent (Director of Collegiate Education) to call upon the Secretary of the College Committee to file Form VII under the provisions of Tamil Nadu Societies Registration Rules, 1978. All that the 1st respondent (Director of Collegiate Education) can do is to call upon the Secretary of the College Committee viz. The College Committee to file Form 6 under Rule 9(2) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976.

53. Under Rule 9(1) of the aforesaid Rules, it is the duty and the prerogative of the “Educational Agency” to nominate one of its representative to act as the secretary of the “Committee” viz the “College Committee”. The “Educational Agency” can also nominate the ‘principal’ of the college as the Secretary Of the “Committee”. Rule 9(1) of the Tamil Nadu Private Colleges (Regulation) Rules, 1976 reads as under :-

“9. Secretary of the committee (1) The educational agency shall nominate one of its representatives as Secretary of the committee:



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W.P.(MD) No.17991 of 2025

Provided that it shall be open to the educational agency to nominate the Principal as Secretary of the committee.

(2) The term of office of the Secretary shall, ordinarily, be three years. However, he/she shall be eligible for re-nomination for subsequent terms. If the educational agency intends to change the Secretary within the period of three years, it shall do so only with the prior approval of the Director. Application for approval of change in the Secretaryship shall be made to the Director in Form 6.

(3) The Secretary shall function for and on behalf of the committee and educational agency.

(4) The Secretary shall act according to the resolutions passed at the meeting of the committee.

(5) The Secretary shall not interfere in the internal administration of the college such as admission, examination, promotion of student and other academic matters as also the administration of the special fee funds, which shall be made the exclusive responsibility of the Principal.

(6) The Secretary shall be responsible for the maintenance of proper and accurate accounts and the administration of college funds except special fee funds.”

54. Once the “Educational Agency” has been validly constituted pursuant to the declaration of the results by the learned Administrator, of the elections held to the office bearers of the Society/Association namely Yadhava Kalvi Nidhi on 09.09.2023, it is for the “Education Agency” to constitute the “College Committee” to manage the affairs of the college. This would be without prejudice to the rights of the parties to challenge the declaration of results in the manner known to law before a Civil Court.



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W.P.(MD) No.17991 of 2025

55. *It is not for the 1st respondent (Director of Collegiate Education) to question the internal affairs/decisions of the “Education Agency”. As long as, the election declared by the Learned Administrator on 9.9.2023 and the declaration in Form VII filed under rule 17 (2) of the Tamil Nadu Societies Registration Rules, 1978 by the journal administrator is not declared as invalid in the manner known to law, the continuance of Mr.R.V.N.Kannan, the petitioner in W.P.(MD)No.2374 of 2024, as the secretary of the College Committee of Yadava College, cannot be questioned.*

56. *Therefore, impugned communication dated 24.01.2024 bearing reference Ref.Na.Ka.No. 38148/G4/2024 impugned in W.P.(MD)No.2374 of 2024 by vesting the powers with the 2nd respondent (Joint Director of Collegiate Education) has to be declared as without jurisdiction.*

57. *Therefore, W.P.(MD)No.6575 of 2024 filed by P.G.Gunasekaran, questioning the communication of the 1st respondent (Director of Collegiate Education) in proceedings Moo.Mu.38148/G4/2023 dated 27.10.2023 is liable to be dismissed. Consequently, W.P.(MD)No.21458 of 2023 filed by Mr.Kanan is also liable to be dismissed. Accordingly, the same is dismissed.*

58. *Every attempt has been made to undo the declaration of results of the election dated 09.09.2023 as invalid. If the documents are required, it is open for the petitioner in W.P.(MD)No.21458 of 2023 to challenge the declaration of results before a civil court and suitably file appropriate application for the documents and disclosure of necessary information. Therefore, W.P.(MD)No. 6575 of 2024 filed by P.Gunasekaran, is liable to be dismissed and is accordingly dismissed.*



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W.P.(MD) No.17991 of 2025

59. *W.P.(MD)No.6473 of 2024 which has been filed by Mr.L.Nandagopal Yadav is a person who is no longer a member of the Society. He lacks locus standi to approach this Court for the relief. In any event, even otherwise, in the light of the decisions of the Courts mentioned above, the relief sought in W.P.(MD)No.6473 of 2024 cannot be granted to Mr.L.Nandagopal Yadav, for the reasons stated above. Therefore, W.P.(MD)No.6473 of 2024 filed by the petitioner, Mr. L.Nandagopal Yadav is also liable to be dismissed. Accordingly, the same is dismissed.*

60. *As far as the impugned order dated 24.01.2024 bearing Ref.Na.Ka.No.38148/G4/2024 of the 1st respondent (Director of Collegiate Education) in W.P. (MD)No.2374 of 2024 is concerned, the impugned order taking away the powers of the 'Educational Agency' viz. elected members of the society which constituted the 'college committee' and nominated the petitioner, Mr.R.V.N.Kannan as the secretary cannot be sustained in the light of the above discussions.*

61. *That apart, the impugned order has also been passed in violation of principles of natural justice without any notice and opportunity to Mr.R.V.N.Kannan (petitioner in W.P.(MD)No.2374 of 2024). Therefore, W.P. (MD)No.2374 of 2024 deserves to be allowed. Accordingly, it is allowed.*

62. *In the result, W.P.(MD)Nos.21458 of 2023, 6473 & 6575 of 2024 are dismissed and W.P.(MD)No.2374 of 2024 is allowed. No costs. Consequently, connected miscellaenous petitions are closed.*

8. Now, the impugned notice dated 06.06.2025 has been issued by the third respondent, who is the Secretary of Yadhavar Kalvi Nidhi (Yadhavar Education Fund), proposing to convene the General Body



W.P.(MD) No.17991 of 2025

Meeting of Yadhavar Kalvi Nidhi (Yadhavar Education Fund) on
06.07.2025 at 10:30 a.m. at the Amara Ponnaiah Konar Auditorium,
located within the registered office premises of Yadhavar Kalvi Nidhi.

9. The learned counsel for the petitioner submits that the Administrator, Hon'ble Mr. Justice S. Rajeswaran (Retired), formerly of the Madras High Court, who was appointed by this Court vide order dated 31.03.2021 passed in W.P.(MD) Nos.14362 of 2018, etc. batch, had, during his tenure, opened eight different fixed deposit accounts for the society and deposited a total sum of Rs.16,35,45,368/-. It is further submitted that, after the election, the new Executive Committee took charge on 10.09.2023. A notice dated 01.09.2024 was thereafter issued to the members, intimating that the General Body Meeting would be convened on 28.09.2024.

10. It is submitted that the petitioner attended the General Body Meeting held on 28.09.2024 and requested a copy of the accounts for the relevant period. However, the third respondent refused to disclose the particulars of the accounts, and the said Meeting concluded without passing any resolution. The petitioner later came to know that the eight

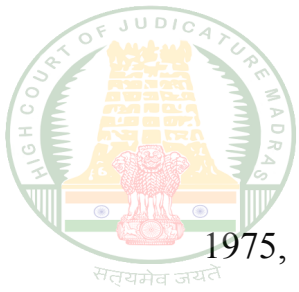


W.P.(MD) No.17991 of 2025

fixed deposit accounts opened by the Administrator were closed without the knowledge of the Executive Committee as well as the General Body members, and that certain illegalities have occurred in the administration of the said society.

11. It is submitted that, thereafter, a difference of opinion/dispute arose between the Society and the petitioner. A show cause notice dated 25.03.2025 was issued by the fourth respondent, which was addressed with an incorrect initial and door number, but with the correct name of the petitioner's father, calling upon the petitioner to explain as to why he should not be removed from the membership. It is submitted that although the petitioner replied to the said notice on 07.04.2025, no further proceedings were communicated to him thereafter, and subsequent notices, including the impugned notice for the General Body Meeting, were issued only to other members. It is further submitted that, apart from the petitioner, notices were deliberately not sent to several other members as well.

12. It is further submitted that the impugned notice is illegal and in violation of Section 26 of the Tamil Nadu Societies Registration Act,



W.P.(MD) No.17991 of 2025

1975, and Rule 25 of the Tamil Nadu Societies Registration Rules, 1978,

and is therefore liable to be set aside. In support of his contention, the

learned counsel for the petitioner relied on the following decisions:

- i. ***Binny Limited and Another Vs. V.Sadasivan and others***, reported AIR 2005 SC 3202.
- ii. ***Kovilpatti Nadar Uravinmurai Sangam, Kovilpatti, rep. by its President (Ad-Hoc Arrangement) Vs. K.A.Velumani and others***, reported in CDJ 2024 MHC 6551.
- iii. ***The Chennai Kancheepuram Thiruvallur Districts Film Distributors Association Vs. The District Registrar, Central Madras and others***, order dated 23.06.2008 passed by the Principal Seat of this Court in W.P.No.43643 of 2006.
- iv. ***V.Suresh Kumar and others Vs. The State of Tamil Nadu represented by the District Registrar, Palayamkottai, Tirunelveli District***, order dated 20.12.2022 passed by this Court in W.P.(MD) Nos. 27650 of 2022 etc. batch.
- v. ***C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee, Karisal and others Vs. The District Registrar, Cheranmahadevi, Tirunelveli and others***, reported in 2005 (2) CTC 161.



W.P.(MD) No.17991 of 2025

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13. The challenge to the impugned notice is opposed not only by the official respondents, namely the first and second respondents, but also by the third respondent.

14. As far as the first and second respondents are concerned, it is submitted that there is an internal power struggle within the Society, and therefore, the jurisdiction of this Court under Article 226 of the Constitution of India cannot be invoked. A reference is made to the decision of the Division Bench of this Court in the case pertaining to the said Society in W.A.(MD) No.1968 of 2023, wherein the Court held as under:

10. The issues raised between the parties are of civil nature. Therefore, a trial natured proceedings are imminent. The parties have to approach the Civil Court for resolving the disputes between the members and the Society or otherwise. However, High Court cannot conduct a roving enquiry in respect of such issues, which requires deeper examination of evidences and especially when an allegation of forgery of membership has been raised between the parties.

11. Disputed questions of facts cannot be adjudicated in a Writ Proceedings. Civil rights are to be decided by the competent Civil Court. Thus, the earlier Writ Petitions filed and also the subsequent Writ Petition filed, seeking implementation of the order passed in W.P.(MD) No.16340 of 2022 are not



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W.P.(MD) No.17991 of 2025

entertainable and the parties are to be relegated to the civil Court of law for the purpose of redressing their grievances in the manner known to law.

15. A reference is made to Section 36(1) of the Tamil Nadu Societies Registration Act, 1975, as per which the Registrar may, either on his own motion, on the application of a majority of the members of the committee of a registered society, on the application of not less than one-third of the members of that registered society, or if so moved by the District Collector, hold, or direct a person authorized by the Registrar by an order in writing in this behalf to hold, an inquiry into the constitution, working, and financial condition of that registered society. Section 36(1) of the Act reads as under:

36. Power of Registrar to inquire into the affairs of registered society.

(1) 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 not less than one-third of the members of that registered society, or, if so moved by the District Collector, hold, or direct some person authorized by the Registrar by order in writing in this behalf to hold, an inquiry, into the constitution, working and financial condition of that registered society.



W.P.(MD) No.17991 of 2025

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16. The learned Senior Counsel appearing for the third respondent submitted that, admittedly, the petitioner is no longer a member of the Society, as the petitioner was removed from the Society on 28.06.2025. Therefore, the petitioner has no *locus standi* to challenge the impugned notice dated 06.06.2025, issued for convening the General Body Meeting of Yadhavar Kalvi Nidhi (Yadhavar Education Fund) on 06.07.2025 at 10:30 a.m., at the Amara Ponnaiah Konar Auditorium, located within the registered office premises of Yadhavar Kalvi Nidhi.

17. In support of his contention, the learned Senior Counsel for the third respondent relied on the decision of this Court in ***N.Kumaran Sethupathy v. Madurai Tamil Sangam and others***, reported in 2014 SCC OnLine Mad 1850, wherein it has been held as under:

15. But, we do not think so. The information furnished by the District Registrar cannot be taken to be a licence for the Secretary to file a writ petition in the name of the Society for prohibiting the convening of the Extraordinary General Body Meeting. Any General Meeting of the Society is to enable the members to take decisions collectively. That cannot be prevented by the Secretary. The question as to who could be permitted to attend such meeting and who could not be allowed is something that could be gone into only before a civil court. These aspects have not been considered by the learned Judge. Therefore, the order of the learned Judge is required to be set aside.



W.P.(MD) No.17991 of 2025

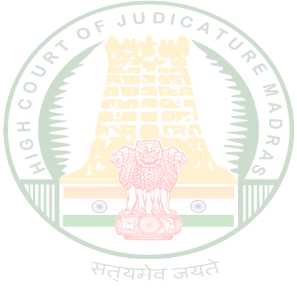
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18. The learned Senior Counsel for the third respondent also relied on the decision of the Hon'ble Supreme Court in ***Kovilpatti Nadar Uravinmurai Sangam & Others v. K.A. Velumani & Others***, dated 05.09.2024, passed in Civil Appeal Nos. 6264–6277 of 2024.

19. I have considered the arguments advanced by the learned counsel for the petitioner and the respondents.

20. While reserving the case for orders on 02.07.2025, this Court passed an interim order in view of the notice proposing to convene the General Body Meeting of the society on 06.07.2025. Accordingly, the petitioner was permitted to attend the said General Body Meeting on 06.07.2025.

21. Before dealing with the case on merits, I address the issue raised by the learned Additional Advocate General for the first and second respondents, and the learned Senior Counsel for the third respondent society, that the petitioner does not have the *locus standi* to challenge the impugned communication.



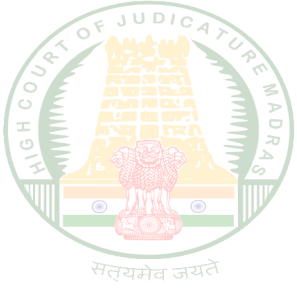
W.P.(MD) No.17991 of 2025

WEB COPY 22. As per Clause 10 of Bye-Laws that were in force prior to 06.05.2007, the General Body was empowered to remove from membership any member of the General Body, Executive Council, or Managing Council who acts against the interests of the college and causes embarrassment to it. Clause 10 of Bye-Laws read as under:

10) பொது
கல்லூரி நலனுக்குப் பாதகமாகச் செயல்படும்
பொதுக்குழு உறுப்பினர், செயற்குழு உறுப்பினர்,
ஆட்சிக்குழு உறுப்பினர் மீது நடவடிக்கை எடுக்க
பொதுக்குழுவுக்கு உரிமை உண்டு.

23. However, Clause 10 of the Bye-Laws was later amended on 06.05.2007, by which the Executive Council was empowered to remove from membership any member of the General Body, Executive Council, or Managing Council who acts against the interests of the college and causes embarrassment to it. Clause 10 of the Bye-Laws, after its amendment, reads as under:

10) பொது
கல்லூரி நலனுக்குப் பாதகமாகச் செயல்படும்
கல்லூரிகுழு உறுப்பினர் மீது நடவடிக்கை எடுக்க கல்வி
நிதியின் செயற்குழுவுக்கு உரிமை உண்டு.

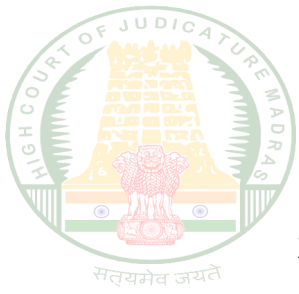


W.P.(MD) No.17991 of 2025

WEB COPY 24. Clause 10 of the Bye-Laws was later removed *vide* amendment dated 28.09.2024. At the same time, Clause 6 was also amended on 28.09.2024. As per Sub-Clause 5.3 to Clause 6, the Executive Council was empowered to remove from membership any member, including a lifetime member like the petitioner, of the Society who acts against the interests of the college and causes embarrassment to it, after serving notice on the said member. Clause 6(5.3) of the Bye-Laws reads as under:

5.3. மேற்கண்ட அனைத்து உறுப்பினர்களுள் எவரேனும் சங்கத்திற்கு எதிராகவோ அதன் வளர்ச்சிக்கு குந்தகம் ஏற்படுத்தும் விதமாக நடந்து கொண்டாலோ, செயற்குழு உரிய அறவிப்பு செய்து பொதுக்குழு அங்கீகாரத்துடன் சங்க உறுப்பினர் பதவியிலிருந்து நீக்கம் செய்யலாம்.

25. It is the case of the petitioner that a Show Cause Notice dated 25.03.2025 was issued by the third respondent to the petitioner. The grievance of the petitioner appears to be that the said notice was addressed with an incorrect initial and door number, though it contained the correct name of the petitioner's father, wherein the petitioner was called upon to explain as to why he should not be removed from the membership within a period of seven days.



W.P.(MD) No.17991 of 2025

26. It appears that the petitioner also sent a reply on 07.04.2025, wherein he questioned the locus of the third respondent's Secretary, Mr.R.V.N.Kannan, since according to the petitioner, the names of the elected members were not found in Form-6 registered with the Registrar of Societies, and therefore, Form-7 ought to be kept in abeyance till date.

27. At that stage, the dispute regarding the appointment of the third respondent, Secretary of the Society was pending before this Court. However, the issue was resolved by this Court in its decision dated 03.01.2025 in a batch of Writ Petitions in W.P.(MD) No.21458 of 2023, etc. batch, the details of which have already been tabulated above.

28. In the Show Cause Notice, it has been stated that the petitioner was found to be indulging in and interfering with the day-to-day administration of the college and the society. That apart, it was alleged that the petitioner was associating with persons who were not connected with the society, as well as with those who had been removed from the society for acting against its interests and causing embarrassment to the society.



W.P.(MD) No.17991 of 2025

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29. Thus, a reading of the petitioner's reply indicates that he has not addressed the allegations contained in the Show Cause Notice, and therefore, he was removed pursuant to the aforesaid Show Cause Notice dated 25.03.2025.

30. In ***Binny Limited*** referred to *supra*, the Hon'ble Supreme Court had held as under:

Applying these principles, it can very well be said that a writ of mandamus can be issued against a private body which is not a State within the meaning of Article 12 of the Constitution and such body is amenable to the jurisdiction under Article 226 of the Constitution and the High Court under Article 226 of the Constitution can exercise judicial review of the action challenged by a party. But there must be a public law element and it cannot be exercised to enforce purely private contracts entered into between the parties.

31. In ***Kovilpatti Nadar Uravinmurai Sangam*** referred to *supra*, this Court has held as under:

11. In the administration of educational institutions which are intended to serve the public with legal and moral obligations, the Educational Agencies nominated by elected office bearers of the Society are



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W.P.(MD) No.17991 of 2025

governed by statutes. When a serious issue is raised by alleging illegal disqualification and rejection of nominations of substantial number of members of General Body belonged to one particular group, this Court is of the view that the maintainability of the writ petition has to be considered in broad perspectives keeping in mind, the larger interest of the students, public and institutions rather than the interest of the individuals. When the society is also a Public Trust in running several Educational Institutions with statutory obligations, this Court is unable to discard the judicial precedents relied upon by the learned Single Judge to hold that the writ petitions are maintainable.

32. In ***The Chennai Kancheepuram Thiruvallur Districts Film Distributors Association*** referred to *supra*, the Principal Bench of this Court has held as under:

24. I have heard the learned counsel for the parties; given my thoughtful consideration to the rival submissions and also gone through the records.

25. The impugned order, over which the writ petitioner is aggrieved, contains two directions to the writ petitioner viz., (1) to collect the misappropriated amount from the officials concerned and (2) to reinstate the members, who are dismissed from the society as per Bye-laws 23 and 54.

26. While delving into the first direction, it is necessary to extract Section 36(1) of The Tamil Nadu Societies Registration Act, 1975, which is the only



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W.P.(MD) No.17991 of 2025

material provision for the present. The said Section reads as under:

"36. Power of Registrar to inquire into the affairs of registered society.- (1) 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 not less than one-third of the members of that registered society, or, if so moved by the District Collector, hold or direct some person authorised by the Registrar by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of that registered society.

27. A reading of the above provision makes it clear that an enquiry, as contemplated in Section 36 is to be necessarily held, if an application to that effect is filed by the majority of the members of the governing body or of not less than 1/3 of the members of the Society. But, the Legislation, at the same time, has vested the discretion in the Registrar to enquire into the constitution, working and financial condition of a registered society. Such an exercise can be undertaken by the Registrar on his own motion only on the basis of some cogent materials of that purpose. Therefore, for holding an enquiry on his own, some information must come to his possession either from the external or from the internal sources, which on an object appraisal, may necessitate an enquiry as statutorily prescribed. Keeping in view the contention raised on behalf of the petitioner, the question to be answered is, whether the complaints filed by the persons having knowledge about the affairs of the registered society can at all form a basis empowering the Registrar to hold an enquiry on his own motion? In my considered opinion, the answer is to be in the affirmative.



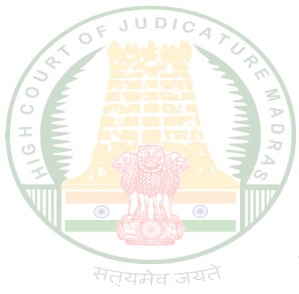
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W.P.(MD) No.17991 of 2025

28. *Any person, having dependable knowledge of the working affairs of a registered society, can bring to the notice of the Registrar the fact of the infirmities caused in the constitution, working and financial condition of such a society. Thereafter, if the Registrar, on examining the nature of the allegations and dependability of the information so furnished and/or relying on other materials having in his possession, can initiate an enquiry on his own motion. It has to be further held that such initiation of an enquiry cannot be held to be without jurisdiction just because it has been founded on certain information furnished by the persons, who have otherwise not been given a right to file an application, before the Registrar, for holding such an enquiry. Therefore, the contention of the learned Senior Counsel for the petitioner that the Registrar cannot enquire into the constitution, working and financial condition of a registered society unless the requirements under Section 36(1) are complied with and that the complainants are not present members of the association falls to the ground.*

33. The argument that the third respondent society is amenable to the jurisdiction of this Court is irrelevant, as the petitioner is no longer a primary member of the society and is not entitled to participate in the General Body Meeting. The situation would have been different if the petitioner had not been issued notice but was excluded from the meeting convened behind his back.



W.P.(MD) No.17991 of 2025

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34. Under Section 36(1) of the Tamil Nadu Societies Registration Act, 1975, the Registrar, either on his own motion or on the application of the majority of the members of the committee of the registered society, or on an application by not less than one-third of the members of the registered society, or if so moved by the District Collector, can hold or direct a person authorized by him in writing to hold an inquiry into the constitution, working, and financial condition of the said registered society.

35. Section 36(2) of the Tamil Nadu Societies Registration Act, 1975 mandates that a such application to the Registrar shall be supported by such evidence as the Registrar has to require for the purpose of showing that the applicants have good reason for applying for an inquiry.

36. In this case, the petitioner should have a cause of action before this Court. The petitioner should have at least sent a representation under Section 36(1) of the Act to the first and second respondents to hold inquiries into the affairs of the society.

37. The petitioner has also not made any application for conducting



W.P.(MD) No.17991 of 2025

an inquiry into the affairs of the registered society. That apart, the petitioner cannot, by himself, expect the Registrar to initiate an inquiry in the absence of support from at least one-third of the members of the registered society.

38. This Court is therefore of the view that the petitioner has no locus standi to challenge the impugned notice, particularly after his removal stands recorded. The petitioner was not entitled to notice of the meeting after the petitioner's name was removed from the primary membership of the society pursuant to the aforesaid Show Cause Notice dated 25.03.2025.

39. For the above reasons, this Writ Petition is liable to be dismissed and is accordingly dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

23.07.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes/No

Speaking Order / Non-Speaking Order

To



W.P.(MD) No.17991 of 2025

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam,
Chennai 600 028.

2.The District Registrar,
Madurai North Registration District,
Integrated Registration Campus,
Rajakambiram, Othakadai,
Madurai District.



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W.P.(MD) No.17991 of 2025

C.SARAVANAN, J.

JEN

Pre-Delivery order made
in
W.P.(MD) No.17991 of 2025
and
W.M.P.(MD) Nos.13764 and 13766 of 2025

23.07.2025