



W.A(MD) Nos.2168 & 2169 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 06.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) Nos.2168 & 2169 of 2025
and
C.M.P.(MD)No.12408 of 2025**

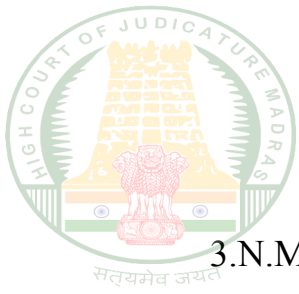
In W.A.(MD)No.2168 of 2025

Mallankinar Nadar Mahajana Kilai Sangathkkup
Pathiyaman MSP Senthikumara Nadar
Uyarnilaippalli Paribalana Sabai,
Rep. by its Patron,
M.S.P.Senthilkumar,
S/o.M.S.Paramasivam Nadar,
28, Andi Kinar Street,
Virudhunagar-626 001.

... Appellant / Petitioner

Vs.

- 1.The District Educational Officer,
Virudhunagar District,
Virudhunagar.
- 2.The Registrar of Societies,
Registration Department,
Virudhunagar,
Virudhunagar District.



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3.N.Mariyappan

... Respondents / Respondents

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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed by this Court in W.P.(MD)No. 16898 of 2025, dated 30.06.2025 by allowing this writ appeal.

For Appellant : Mr.Ananth C Rajesh

For Respondents : Mr.C.Venkatesh Kumar
(in both cases) Special Government Pleader
for R1

: Mr.S.Saji Bino
Special Government Pleader
for R2

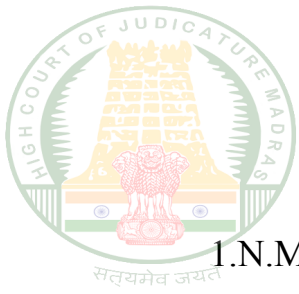
: Mr.H.Lakshmi Shankar
for R3

In W.A.(MD)No.2169 of 2025

Mallankinar Nadar Mahajana Kilai Sangathkkup
Pathiyaman MSP Senthikumara Nadar
Uyarnilaippalli Paribalana Sabai,
Rep. by its Patron,
M.S.P.Senthilkumar,
S/o.M.S.Paramasivam Nadar,
28, Andi Kinar Street,
Virudhunagar-626 001.

... Appellant / 3rd Respondent

Vs.



W.A(MD) Nos.2168 & 2169 of 2025

1.N.Mariyappan

... 1st Respondent / Petitioner

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2.The District Registrar,
Virudhunagar.

3.The District Educational Officer,
Virudhunagar District,
Virudhunagar.

... Respondents 2 & 3 /
Respondents 1 & 2

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order passed by this Court in W.P.(MD)No. 17316 of 2025, dated 30.06.2025 by allowing this writ appeal.

For Appellant : Mr.Ananth C Rajesh

For Respondents : Mr.H.Lakshmi Shankar
(in both cases) for R1

: Mr.S.Saji Bino
Special Government Pleader
for R2

: Mr.C.Venkatesh Kumar
Special Government Pleader
for R3



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COMMON JUDGMENT

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(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. These writ appeals are directed against the common order dated 30.06.2025 made in W.P.(MD)Nos.16898 & 17316 of 2025. The case on hand pertains to the management of Mallanginaru Nadar Mahajana Kilai Sangathukkup Pathiyamana M.S.P.Senthilkumar Nadar Uyarnilaippalli Paribalana Sabai. This society was formed way back in the year 1949. It was registered under the Societies Registration Act, 1860. It was re-registered under Tamil Nadu Act 27 of 1975 also. The By-laws were not brought in conformity with the statutory scheme set out in the new Act. However, amendments to the by-laws were made from time to time. Form VII was also filed from time to time. A new Form VII was filed on 30.01.2025. As per the by-laws, there is a Patron for the society. Thiru.M.P.Senthil Kumar is the current patron of the society. He raised an objection that the selection of the members constituting the executive committee was not properly done. He filed a fresh Form VII on his own



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on 30.04.2025. The District Registrar (Societies), Virudhunagar came to the conclusion that the by-laws are not in consonance with the provisions of the Tamil Nadu Act 27 of 1975 and returned both the Forms filed by the respective parties. Challenging the return of the Forms filed by them, M.S.P.Senthil Kumar filed W.P.(MD)No.16898 of 2025, Thiru.M.Mariappan who claims to be secretary of the society as per new Form VII filed W.P.(MD)No.17316 of 2025. Both the writ petitions were heard together. The learned single Judge disposed of the writ petitions vide order dated 30.06.2025 in the following terms:-

“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 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.



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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 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



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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 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.”

Aggrieved by the said order, Thiru.M.S.P.Senthil Kumar has filed this writ appeal. Even though he had styled himself originally as patron of the society and filed WP(MD)No.16898 of 2025 in that capacity, the present writ appeal has been filed by the society represented by Mr.M.S.P.Senthil Kumar.

3.We are prima facie of the view that the cause title has to be revised. The learned single Judge had given a categorical finding that



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the by-laws which were originally formulated in the year 1949 will have to be amended and brought in line with the new Act. We independently considered the by-laws and we are fully satisfied that the view taken by the learned Single Judge is right. These Writ Appeals stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
06.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi/SKM

To

- 1.The District Educational Officer,
Virudhunagar District,
Virudhunagar.
- 2.The Registrar of Societies,
Registration Department,
Virudhunagar,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

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