



W.No.3792 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2026

Coram

The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.3792 of 2022

and

W.M.P.No.3917 of 2022

1. M/s. Vishall Industries
rep. By its Chief Executive Officer, V.Shanmugam
2. M/s.Kamini Enterprises,
rep. By its Proprietor, V.Sampathu
3. M/s. Sri Lavanya Springs Pvt. Ltd
rep. By its Managing Director, M.Padmanaban
4. M/s.Creative Technology
rep. By its Proprietor, S.Thirumurugan
5. M/s. Vinayagam Engineering Industries,
rep. By its Proprietor, A.S.Vinayagam
6. M/s.Eastern Preei Tooling
rep. By its Managing Partner,
S.R.Rajkumar.
7. M/s.Sarawathiram Engineering Works
rep. By its Proprietor, P.Nagamurthy
8. M/s.Sri Sanmuga Tools
rep. By its Proprietor, V.P.Ayyathurai
9. M/s.Issojet Burner Pvt. Ltd.,
rep. By its Director, K.R.Dhurai.

...Petitioners

Vs.

1. The Hosur Small and Tiny Industries Association
Rep.by its Secretary, S.Sridhar,
2. The District Registrar
District Sub Registrar Office (Cooperative Society)



Krishnagiri District.

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...Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India seeking for an issuance of a writ of mandamus to direct the second respondent not to accept the new amendment which is proposed by the first respondent proposal dated 18.12.2021, in pursuant to the notice dated 17.01.2022 of the first respondent against the petitioners and also not to take any further action based on the notice.

For Petitioner : Dr.G.Babu

For Respondent-1 : Mr.L.Chandrakumar

For Respondent-2 : Mr.P.Harish Government Advocate

ORDER

This Writ Petition is filed seeking for an issuance of a writ, in the nature of mandamus to the second respondent not to accept the new amendment proposed by the first respondent vide proposal dated 18.12.2021 and also not to take any further action against the petitioners in pursuant to the notice dated 17.01.2022 issued by the first respondent.

2. The learned counsel for the petitioner would submit that the petitioners are the members of the respondent-Association, named as 'Hosur Small and Tiny Industries Association'; that without issuing any prior



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intimation regarding the conduct of Annual General Body Meeting (AGM), the AGM was conducted on 26.09.2019 and further, without giving sufficient opportunities to the petitioners go-through the proposed amendment of the bylaws made by few members, certain bylaws were amended and a resolution was passed on the said date; that as per the proposed amendment, if any member has gone for Court against the Association/Office Bearers, they would be suspended from their membership by the Board of Executive till further course of action to be taken at the Annual General Body Meeting; that since the proposed amendment to the bylaws are against the interest of the petitioners, the petitioners have filed a suit to declare the resolution passed during the AGM held on 26.09.2019 as null and void, however, in the interregnum, the first respondent has issued a notice dated 17.01.2022 stating that there is a resolution passed on 18.12.2021 for removal of the petitioners from the respondent-Association, which necessitated the petitioners to approach this Court by way of present Writ Petition to direct the second respondent not to accept the new amendment which is proposed by the first respondent vide proposal dated 18.12.2021 and also not to take further action against the petitioners based on



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the notice dated 17.01.2022.

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3. The learned counsel for the first respondent-Association would submit that after issuing due notice to the petitioners regarding the conduction of AGM, the said Meeting was held and in the said Meeting, resolution was taken by the majority of the members of the respondent-Association for amending certain bylaws, and the same cannot be found fault with. Therefore, the learned counsel for the first respondent prays for dismissal of the Writ Petition.

4. The learned Government Advocate for the second respondent would fairly submit that since the petitioner has made objection on 17.12.2021, after issuing notice to the petitioner and after hearing the parties concerned, the second respondent would decide as to whether they can proceed with the registration of the proposed amendment to the bylaws or not, however, in any event, since proposal for amendment to the Bylaws are made by majority members of the first respondent-Association, it would be appropriate for the petitioners to approach the Civil Court and get declared the proposed amendments to the bylaws as null and void, instead, the



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petitioners cannot prevent the second respondent, viz., the District Registrar (Cooperative Society), who is after all, a Registering Authority from proceeding with the registration of the Bylaws. Thus, by averring so, the learned counsel for the second respondent prays for appropriate orders in that regard.

5. The submissions made by the learned counsel for the petitioner, the learned counsel for first respondent and the learned Government Advocate for the second respondent have been duly considered and this Court also perused the materials placed on record.

6. Though it is the case of the petitioners that without issuing any prior intimation with regard to the conduct of the AGM, AGM was conducted on 26.09.2019 and proposals were made by few members of the first respondent-Association for amendment of certain Bylaws and a Resolution was passed on the said date, which, according to the petitioners, are in total violations of the provisions of the Societies Registration Act and the resolution taken is against the interest of the petitioner, as rightly submitted by the learned Government Advocate for the second respondent,



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the second respondent is merely a Registering Authority, who is going to proceed with the registration of the Bylaws, if there is any dispute with regard to the manner, in which, election was held by the first respondent-Association and resolution was passed, the petitioner has to necessarily approach the Civil Court and seek for a declaratory relief of such proposed amendment to the bylaws as null and void and only as regards the procedural defects, the petitioner can seek for intervention of this Court to restrain the second respondent from proceedings with the registration of the new amendment proposed by the first respondent. In any event, since objection was raised by the petitioners on 17.12.2021 with regard to the conduct of the AGM, after issuing notice to the petitioners and hearings the parties concerned, the second respondent would decide as to whether the proposed amendment to the Bylaws can be registered or in the event, if the proposed amendment is against the interest of the petitioners, rightly or wrongly amendment was proposed by majority of the members, it would be appropriate for the petitioner to approach the Civil Court and seek for the relief of declaration of such amendments as null and void.



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7. In the light of the above, the second respondent is directed to issue notice to the petitioners and after considering the petitioners objections dated 17.12.2021 and after hearing the petitioners, the second respondent shall act in accordance with law.

8. This Writ Petition is disposed of with the above observations. No costs. Connected Writ Miscellaneous Petition, viz., the 2B Petition is ordered.

02.03.2026

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Index : yes/no

Neutral Citation : yes/no

To

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Krishnagiri District.



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Krishnan Ramasamy,J.,

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