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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-10-2026

CORAM

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

WP(MD) Nos. 16543 to 16547 of 2024

CNR:{HCMD010739082024}

WMP(MD) Nos.14325, 14326, 14330, 14332, 14361, 14362, 14329, 14331, 14327 and 14328 of 2024

I.Arumugam ..Petitioner in WP(MD) No.16543 of 2024

R.P.Lakshmanan ..Petitioner in WP(MD) No.16544 of 2024

S.Swamy ..Petitioner in WP(MD) No.16545 of 2024

Alagia Nambi S. ..Petitioner in WP(MD) No.16546 of 2024

N.Gomathi Nayagam ..Petitioner in WP(MD) No.16547 of 2024

Vs

1. The District Registrar
   Palayamkottai,
   Tirunelveli.

2. Saiva Velalar Peravai Jawahar Nagar
   A registered Society, Registration No. 96/2009,
   rep. through its Secretary,
   having office at No. 17, Shreeram Square,
   N.G.O. Colony,
   Tirunelveli - 7.

3. G.Sankaran
   The President,
   Saiva Velalar Peravai Jawahar Nagar,
   No. 17, Shreeram Square,
   N.G.O. Colony,
   Tirunelveli – 7.

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4. V.Meenakshi Sundaram
   The Vice President,
   Saiva Velalar Peravai Jawahar Nagar,
   No. 17, Shreeram Square,
   N.G.O. Colony,
   Tirunelveli - 7.

5. B.Gopalakrishnan
   The Secretary,
   Saiva Velalar Peravai Jawahar Nagar,
   No. 17, Shreeram Square,
   N.G.O. Colony,
   Tirunelveli – 7. ..Respondents in all WPs

COMMON PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 2nd respondent in Na.No.1-5/2024, Na.No.1-4/2024, Na.No.1-1/2024, Na.No. 1-3/2024 and Na.No.1-2/2024 dated 07.02.2024 and quash the same and consequently direct the respondents to elect the Executive Committee for the 2nd respondent Society by notifying the election as provided under law.

For Petitioner(s) :H.Arumugam

For Respondent(s) : Mr.I.Pinaykash – for R1
Special Government Pleader

No appearance – for R2

Mr.M.Sankar – for R3 and R5

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COMMON ORDER

These Writ Petitions are filed seeking to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent in Na.No.1-5/2024, Na.No.1-4/2024, Na.No.1-1/2024, Na.No. 1-3/2024 and Na.No.1-2/2024 dated 07.02.2024 and quash the same and consequently direct the respondents to elect the Executive Committee for the second respondent Society by notifying the election as provided under law.

2. The learned counsel for the petitioners submitted that the petitioners in all the petitions are the members of the second respondent Society for the past more than eight years. The second respondent society, namely “Saiva Velalar Peravai Jawahar Nagar”, was formed in the year 1995 and was registered in the year 2009 with a Registration number 96 of 2009. The society has, as many as 640 members and the same is administered by the Executive Committee consisting of a President, Vice President, Secretary, Joint Secretary, Treasurer and 16 Executive Members. The said Society was governed in terms of the Bylaws of the Society and in terms of Section 28, of the Tamil Nadu Societies Registration Act 1975. The petitioners herein together sought for convening Extraordinary General Body meeting for the purpose of conducting a General Body meeting cum Annual Day of the Society.

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3. The learned counsel for the petitioners further pointed out that while conducting the Annual Day of the said Society, the office bearers of the Society was unanimously selected from the members of a particular family namely MG Family. In order to change the scenario from letting the said Society's administration in the hands of a particular family, all these petitioners together have sought for conduct of Extraordinarily General Body Meeting by obtaining proper signature from 248 members of the said Society.

4. Bylaw 28 of the aforesaid Society makes it clear that 1/3 of the members shall together seek for an Extraordinary General Body Meeting. In terms of Section 28 of the Tamil Nadu Societies Registration Act 1975 read with Bylaw 28 of the aforesaid Society, the Society is at duty to convene as Extraordinary General Body Meeting for the purpose of resolving the subject which was brought in by the members who have sought for conduct of Extraordinary General Body Meeting, more particularly the subject as to the conduct of General Body Meeting in a separate manner, not clubbing along with the Annual Meeting / Annual Day of the Society from time to time every year.

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5. However, the said notice for conduct of Extraordinary General Body Meeting was received by the second respondent with animosity and a reply was issued on 19.10.2023, informing that the question of conduct of Extraordinary General Body Meeting will not arise. He also pointed out that once a requisition has been made by 1/3 of the members of the said Society in terms of Bylaw 28 of the said Society, the conduct of Extraordinary General Body Meeting would be automatic and there is no question of choice for the second respondent to negate the claim. Having not conducted the Extraordinary General Body Meeting, the second respondent had issued a show cause notice on 18-12-2023, as to why the petitioners herein should not be removed from the primary membership of the Society. For which, a proper explanation was also given by the petitioners on 5-1-2024. However, without considering the same, the impugned order dated 07.02.2024, came to be passed, removing the petitioners from the primary membership of the Society, as if no explanation was submitted by them. Such an exercise is *per se* illegal and sought the indulgence of this Court seeking to set aside the impugned order dated 07.02.2024 and to direct the second respondent to convene an Extraordinary General Body Meeting.

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6. The learned counsel for the petitioner also pointed out that By-law 30 of the aforesaid Society mandates that removal of members on the basis of misconduct which is contemplated as per the Bylaw 30, only by convening the General Body Meeting. On the other hand, the petitioners were removed by the Secretary himself.

7. The learned counsel for the 5th respondent submitted that from the year 2016 to 2019 and 2019 to 2022 for two consecutive periods, the misconduct on the part of the petitioners were brought to the notice of the Society Administrative Committee, for which a show cause notice dated 18.12.2023 was issued. However, the petitioners in WP(MD)Nos.16544 and 16545 of 2024 have given reply and the others failed to furnish a reply.

8. The learned counsel for the 5th respondent pointed out that having found the explanation given by two members as not satisfactory and in the absence of explanation from the other three members, the Executive Committee of the Society proceeded to remove the petitioners from the primary membership of the Society, for their misconduct. He also pointed out that already the removal of the petitioners have been

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duly submitted before the first respondent and that has been recorded by the first respondent by accepting Form - 6.

9. The learned Special Government Pleader appearing for the first respondent submitted that much water has flown, by the time when the petitioner had knocked this Court by filing this Writ Petition. He further pointed out that already the factum of removal of the petitioners from the primary membership of the second respondent Society has been duly recorded by the first respondent. The petitioners have come to this Court belatedly and also pointed out that they have appropriate remedy by filing a civil suit before the competent Civil Court.

10. The learned counsel for the respondents 3 to 5, drew my attention to the fact that the election for the next term from 2025 - 2028 is also over and Form - 7 is also accepted by the first respondent.

11. The same is duly conceded by the learned counsel for the first respondent.

12. Heard either sides and carefully perused the materials available on record.

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13. In view of the various facts submitted by the learned counsel for the petitioner before this Court, since the factum of removal of the petitioners from the second respondent Society has already been recorded by the first respondent / Registrar of Cooperative Societies and since a fresh election for the year 2025-2028 has also been conducted, new members have been elected and the same is duly recorded by accepting Form – 7, liberty is given to the petitioner to approach the appropriate Civil Court for appropriate remedy. It is made clear that the Civil Court shall duly exclude the period spent by the petitioners before this Court in pursuing the present writ petitions, in terms of Section 14 of the Limitation Act.

14. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27-10-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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To

1. The District Registrar
   Palayamkottai,
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2. Saiva Velalar Peravai Jawahar Nagar
   A registered Society, Registration No. 96/2009,
   rep. through its Secretary,
   having office at No. 17, Shreeram Square,
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L.VICTORIA GOWRI, J.

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