

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO 205 OF 2025

(ARISING FROM SLP (C) No(s). 7794/2023)

MANURKULA DEVANGA VASAGA ... PETITIONER(S)
SALAI /APPELLANT(S)

Versus

THE INSPECTOR GENERAL OF ... RESPONDENT(S)
REGISTRATION & ORS.

O R D E R

Heard learned counsel for the parties.

2. Leave granted.

3. The amalgamation of two Societies was approved by the District Registrar. However, on revision the Inspector General of Registration set aside the approval of the amalgamation on two grounds. *Firstly*, that no prior approval was taken by the two Societies before passing the Special Resolution for amalgamation, as required under Section 30 of the Tamil Nadu Societies Registration Act, 1975¹ and *secondly*, that the objectives of the two societies

1 Act, 1975

amalgamating were having divergent objectives and not the same objectives, therefore, incompatible for amalgamation. The said decision of the Inspector General of Registration was challenged by way of a writ petition before the Single Judge of the High Court which petition came to be dismissed on similar findings as recorded by the Inspector General of Registration. Further, the intra court appeal was also dismissed by the Division Bench for the same reason.

4. Aggrieved by the same, the present appeal is before us.

5. The submission advanced on behalf of the appellant is that the two reasons given by the authorities and confirmed by the High Court are not borne out of the statutory provisions.

6. The first submission advanced is that Section 30 of the Act, 1975 governing the amalgamation of societies nowhere provides that before passing the Special Resolution the Society mandates prior approval by the District Registrar.

7. Section 30 of the Act, 1975 reads as follows :

30. Amalgamation and division of registered societies.—(1) Any two or more registered

societies may with the prior approval of the Registrar, by special resolution of both or all such registered societies, become amalgamated together as one society, with or without any dissolution or division of the funds of those registered societies or any of them.

(2) Any registered society may with the prior approval of the Registrar, by special resolution, divide itself into two or more societies. The resolution shall contain proposals for the division of the assets and liabilities of the registered society among the new societies into which it is proposed to divide it and may specify the area of operation of, and the members whom will constitute, each of the new societies.

(3) No amalgamation or division of a registered society under sub-section (1) or sub-section (2), as the case may be, shall have any effect until and unless the new society or societies is or are duly registered in accordance with the provisions of this Act.

(4) Upon the registration of the new society or societies, as the case may be, the assets and liabilities of the original registered society or societies shall, subject to the provisions of Section 18, be transferred to, and be the assets and liabilities of the new society or societies, in the manner specified in the special resolution mentioned in sub-section (1) or sub-section (2), as the case may be.

8. A careful reading of the said provision requires that the amalgamation is to be approved by the District Registrar. However, for the same Special Resolution needs to be passed by both the societies.

9. The interpretation that prior approval of the District Registrar is required before passing the Special Resolution would be an incorrect interpretation of the said provision. Further, there is no statutory bar or prohibition or pre-condition for amalgamation that the two societies amalgamating must have the same objectives.

10. On behalf of the respondents, it has been submitted that the District Registrar had approved

the amalgamation for the reason that both the Societies had common and identical objectives. This fact is incorrect, as it is apparent from the bye-laws, Rules and Regulations of both the Societies, that their objectives were different and divergent. The Special Resolutions passed by both Societies were in compliance with the procedural requirements under the Act. The submission is that the order of District Registrar was obtained on incorrect representations.

11. According to clear understanding of the Court, once there is no prohibition or registration or a pre-condition that the objectives should be the same provided in any statutes, Rules and Regulations it was irrelevant if the District Registrar made such observations that the objectives were same, it would not make any difference and the Special Resolution passed by both the societies being otherwise in order, the order approving the amalgamation cannot be faulted with.

12. For the reasons recorded above, the impugned orders passed by the Single Judge, Division Bench and the Inspector General of Registration are set aside and that of the District Registrar approving the amalgamation is restored.

13. The appeal stands allowed accordingly.

14. Pending application(s), if any, shall stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANJAY KAROL)

.....J.
(SANDEEP MEHTA)

NEW DELHI;
JANUARY 07, 2025.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7794/2023
[Arising out of impugned final judgment and order dated 31-01-2023
in WA No. 1980/2021 passed by the High Court of Judicature at
Madras]

MANURKULA DEVANGA VASAGA SALAI

Petitioner(s)

VERSUS

THE INSPECTOR GENERAL OF REGISTRATION & ORS.

Respondent(s)

(IA No. 77547/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 77549/2023 - EXEMPTION FROM FILING O.T.)

Date : 07-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) Mr. Raghenth Basant, Sr. Adv.
Mr. Ravi Raghunath, AOR
Ms. Kaushitaki Sharma, Adv.

For Respondent(s) Mr. P.Wilson, Sr. Adv.
Mr. Sabarish Subramanian, AOR
Mr. Apoorv Malhotra, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Lokesh Krishna, Adv.
Mr. B. Abishek, Adv.
Mr. Danish Saifi, Adv.

Mr. Senthil Jagadeesan, Sr. Adv.
Mr. Punit Manoj Agarwal, Adv.
Ms. Kirti Leela Ratnam, Adv.
Mr. A. Renganath, Adv.
Mr. R. Ayyam Perumal, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

**The appeal stands allowed in terms of the
signed order.**

**Pending application(s), if any, shall stand
disposed of.**

**(SONIA BHASIN)
COURT MASTER (SH)**

**(RANJANA SHAILEY)
COURT MASTER (NSH)**

[Signed order is placed on the file]