

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22054 of 2015

and

M.P.No.1 of 2015

Madras Pentecostal Assembly (tamil)
No.61, Bharathi Nagar Main Road,
Pallavaram,
Chennai 600 043.

... Petitioner

-Vs-

1.The Inspector General of registrations,
Chennai - 600 028.

2.The District Registrar (Administration)
Central Chennai,
Chennai 600 014.

3.P.Stanley Vasu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the 1st respondent in Na.Ka.No.19208/I1/2011 dated 28.04.2011 quash the same and direct the 3rd respondent to hand over all the records of the 1st respondent society to the petitioner herein.

For Petitioner : Mr.V.Selvaraj

For Respondents : Mr.R.Vijayakumar,

Additional Government Pleader for R1 to R3

ORDER

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner is a Secretary of the petitioner society and according to him, there was dispute regarding the administration of the said society and orders have been passed by the civil Court as

well as by the 1st respondent and in pursuant to the same, election was conducted and new office bearers were elected and also assumed the office on 04.09.2010. After the election is over, the 2nd respondent directed the 3rd respondent vide proceedings dated 11.04.2011 to hand over all the relevant records to the newly elected office bearers enclosing a copy of the Form-7 and the 3rd respondent challenging the same has filed an appeal dated 21.04.2011 before the 1st respondent and the 1st respondent passed an interim order dated 28.04.2011 keeping in abeyance of the order dated 11.04.2011 passed by the second respondent.

3. The grievance expressed by the petitioner is that on account of the non furnishing of the record by the 3rd respondent, the petitioner society is not in a position to file its return, which may have serious civil consequences and the petitioner has invoked the provisions of Right to Information Act seeking information about the status of the appeal and it was responded by the Additional Registrar of Society stating that among other things, the records commencing from 01.01.2010 are not available.

4. Mr.V.Selvaraja, learned counsel appearing for the petitioner would contend that the 1st respondent is under statutory obligation to dispose of the appeal in either way and with very great difficulty only the petitioner is able to get the copy of the appeal petition filed by the 3rd respondent and on account of the order passed by the 1st respondent in keeping the order passed by the 2nd respondent in abeyance, the petitioner is not in a position to submit the periodical return, which may be construed as default against the provision of the Tamil Nadu Societies Registration Act and hence, prays for appropriate orders.

5. Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice on behalf of respondents 1 and 2 would submit that an appropriate direction may be given to the 1st respondent to dispose of the appeal submitted by the 3rd respondent within a stipulated time frame.

6. Though the petitioner prayed for the larger relief, this Court without going into the merits of the claim projected by the petitioner and in the light of the facts and circumstances, directs the 1st respondent to dispose of the appeal/memorandum submitted by the 3rd respondent on merits and in accordance with law after giving opportunity to the petitioner as well as to the 3rd respondent within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the 3rd respondent.

This Writ Petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsm

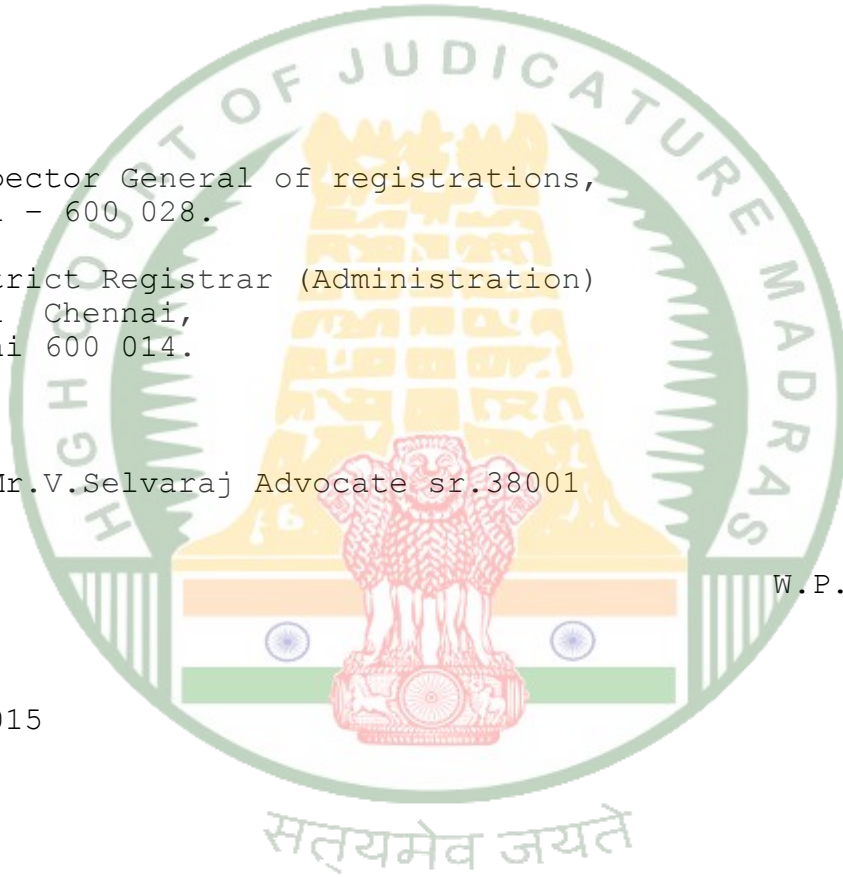
To

- 1.The Inspector General of registrations,
Chennai - 600 028.
- 2.The District Registrar (Administration)
Central Chennai,
Chennai 600 014.

+1 cc to Mr.V.Selvaraj Advocate sr.38001

W.P.No.22054 of 2015

aa10/08/2015



WEB COPY