

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2015

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THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.22883 of 2015
and
M.P.Nos.1 to 4 of 2015

Greenpeace India Society
rep. by its Executive Director, Vinuta Gopal
New No.47/Old No.22, 2nd Cross Street,
Ellaiammal Colony, Gopalapuram,
Chennai 600 086. Petitioner

Vs

The District Registrar
Chennai Central Registration District
Chennai 600 014.Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari to call for the records and quash the charges framed by the Respondent against the petitioner contained in Letter No.6994/D2/2015 dated 16.06.2015 and consequently quash Letter No.6994/D2/2015 dated 16.06.2015 and its enclosed Result of Inquiry/Inquiry Report.

For Petitioner : Mr.Vineet Subramani
For Respondents : Mr.S.V.Duraisolaimalai
Additional Government Pleader

ORDER

The petitioner is a Society registered under the Tamil Nadu Societies Registration Act, 1975. A show cause notice has been issued to the petitioner alleging certain irregularities said to have been committed to show cause as to why the registration shall not be cancelled.

2. The petitioner has replied to the Show Cause notice dated 16.06.2015 seeking further time. Along with the Show Cause Notice a report was also enclosed. The Show cause notice also indicates the charges framed against the petitioner and thereafter the petitioner made another representation asking for certain clarifications/information. By the letter dated 27.07.2015, the respondent also replied to the petitioner by further requiring it to

give reply to the show cause notice issued already. Challenging the said show cause notice dated 16.06.2015 and the report enclosed thereunder, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that there are discrepancies in the show cause notice as against the documents belonging to the petitioner. There is no indication as to how the respondent has come to a prima facie conclusion in the show cause notice by relying upon the documents of the petitioner which do not indicate the same. The petitioner made a request on 06.07.2015 to inspect the books and the relied documents by paying the requisite fee and therefore appropriate orders will have to be passed.

3. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner instead of replying to the show cause notice has rushed to this Court seeking for the aforesaid relief. As there is no dispute on the jurisdiction of the respondent, this Court need not interfere with the impugned order of the respondent by exercising the powers under Article 226 of the Constitution of India.

4. The question as to the fact whether there is any discrepancy in the documents or not is the matter to be decided by the respondent and therefore this Court is not required to go into the factual issues involved. Rule 41 coming under chapter 5 of the Tamil Nadu Societies Registration Act, 1975 deals with the inspection of documents which permits any person to inspect the books kept by the Registrar on an application being made with the prescribed fee and such a person is allowed to inspect the documents relating to societies and is not entitled to take copies of the same. As the petitioner has applied under Rule 41 of The Tamil Nadu Societies Registration Act, 1975, the respondent is duty bound to permit the petitioner to inspect the documents as well as the books.

5. Accordingly a direction is issued to the respondent to permit the petitioner to inspect the books and the documents kept by the respondent making it clear that it is not entitled to take copies of the same as the request has been made only under Rule 41 of the Tamil Nadu Societies Registration Act, 1975. The said exercise will have to be done within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the petitioner is at liberty to give an appropriate reply within a period of four weeks and the further orders have to be passed by the respondent on the representation given and to be given by the petitioner within a period of eight weeks thereafter.

This Writ Petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petitions are closed.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

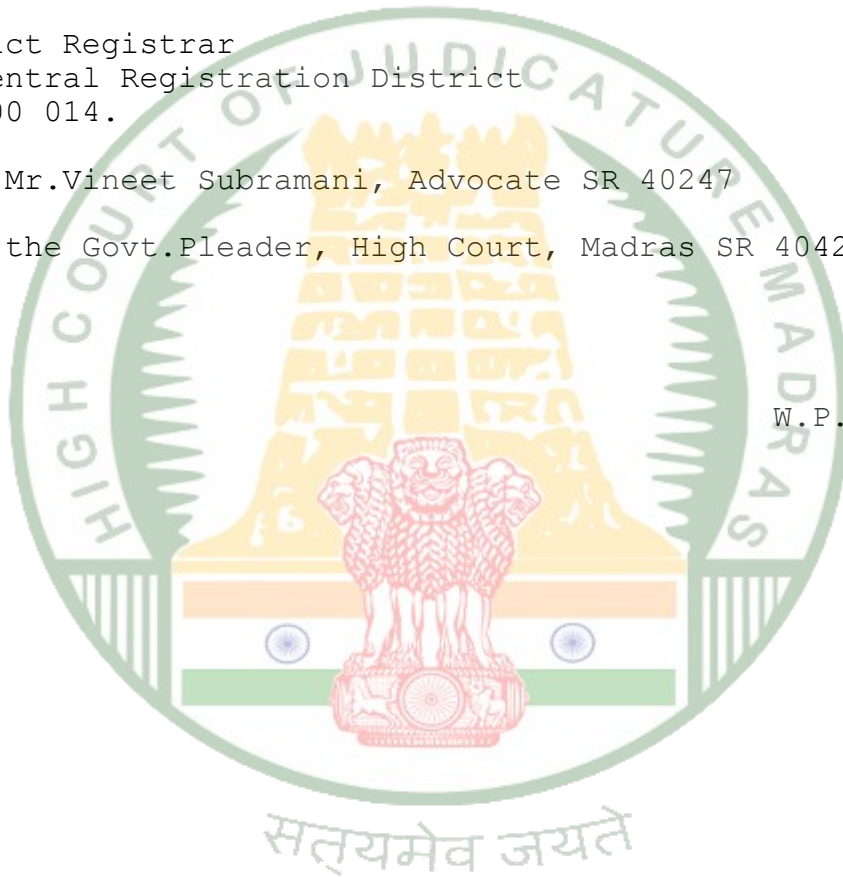
The District Registrar
Chennai Central Registration District
Chennai 600 014.

+ 1 cc to Mr.Vineet Subramani, Advocate SR 40247

+ 1 cc to the Govt.Pleader, High Court, Madras SR 40420

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