IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18917/2016

Shri Pon.Ramachandran ... Petitioner

Versus

1.The Secretary to Government
Government of Tamil Nadu
Commercial Taxes & Registration Dept.,
Fort St George, Secretariat, Chennai-09.

2.The Inspector General of Registration
O/o.The Inspector General of Registration
No.100, Santhome High Road,
Chennai-28.

3.The Deputy Inspector General of Registration
[Societies], O/o.The Inspector General of
Registration, No.100, Santhome High Road
Chennai-28.

4.The Deputy Inspector General of Registration
Chennai Region, No.27, Rajaji Salai, Chennai-1.

5.The District Registrar, [Societies]
O/o.The North Madras District Registrar,
22nd Lane Beach Road, Chennai. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 5th respondent to submit his report in pursuance of direction issued by the 2nd respondent in his proceedings No.31796/11/2015 dated 03.08.2015 and proceedings No.31796/I1/2015-2 dated 02.03.2016 and consequently directing the 1st respondent to grant exemption to file the Annual Report from 1994-1995 to 2014-2015 in the light of the provision under section 54 of the Tamil Nadu Societies Registration Act 1975 based on the petitioner application dated 11.04.2016.

For Petitioner : Mr.R.Margabandhu

For Respondents : Mr.R.Govindasamy, Spl.GP

O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioner claiming to be the President of Chennai Vanniyakula Kshatriya Maha Sangam, No.164, Suryanarayana Chetty Street, Royapuram, Chennai-13, claims that the said Association/Sangam was established in the year 1888 and the object of the Sangam is to uplift the people belonging to "Vanniyakula Kshatriya Community" and enhance their status educationally, economically, socially and to preserve and promote the ancient customs of the community and also to spread education by establishing schools and other educational institutions. It is further stated that the last renewal was done in the year 1994-1995 and thereafter, there were very many litigations and therefore, returns could not be filed after the said year. The petitioner / Association submitted a representation dated 10.07.2015 praying for exemption to submit the Annual Returns from the year 1994-1995 to 2014-2015 and misconstruing the said request, the office of the 2nd respondent, in its communication dated 02.03.2016, in Na.Ka.No.31796/I1/2015-2, had instructed the petitioner to approach the Government for condonation of delay under section 49[2] read with Rule 48 of the Tamil Nadu Societies Registration Act and Rules framed therein and thereafter, the petitioner submitted a representation on 11.04.2016 to the 2nd respondent praying for exemption from submitting the returns for the years from 1994-1995 to 2014-2015 and since no orders have been passed, the petitioner is before this Court by filing this writ petition.

3 Heard the learned counsel for the petitioner and R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 5 and he would submit that the remedy open to the petitioner, if any, is to approach the Government to condone the delay in filing the returns.

4 Learned counsel for the petitioner, in response to the said argument, would submit that section 54 of the Tamil Nadu Societies Registration Act, 1974, grants power to the Government to exempt from all or any of the provisions of the Act or from any rules framed therein and in the light of the said provision, the petitioner prays for appropriate orders.

5 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the petitioner to submit one more representation to the 1st respondent praying from exemption from filing Annual Returns from 1994-1995 to 2014-2015 u/s 54 Tamil Nadu Societies Registration Act, 1974, with

a copy marked to the 2nd respondent including a copy of this order within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of twelve weeks thereafter, and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP
To

1.The Secretary to Government
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Commercial Taxes & Registration Dept.,
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Chennai Region, No.27, Rajaji Salai, Chennai-1.

5.The District Registrar, [Societies]
O/o.The North Madras District Registrar,
22nd Lane Beach Road, Chennai.

+3ccs to Mr.R. Margabandhu, Advocate, S.R.No.29772
+1cc to the Government Pleader, S.R.No.30165

IVJ(CO)
EU(13/06/2016)