

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19424 of 2016
and
W.M.P.No.16840 of 2016

Chennai Vazh Kovilpatti Nadar
Uravinmurai Sangam, Reg.No.45/1984
Rep by its President
No.43 (18/1) L.B.Road,
Adayar, Chennai 600 020 ... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram, Chennai 600 028
2. The District Registrar of Societies,
South Chennai, Zeenis Road,
Saidapet, Chennai 15.
3. Chennai Vazh Kovilpatti Nadar Uravinmurai
Sangam, Adayar, Reg.No.61/2006,
Rep by its President,
No.43 (18/1) L.B.Road,
Adyar, Chennai 600 020.
4. L.M.Krishnaswamy Nadar ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to pass an order on the petitioner's representation dated 24.04.2016 cancelling the registration of the third respondent under Section 9(1) (c) of the Tamilnadu Societies Registration Act on the basis of the order passed by 2nd respondent dated 21.3.2016.

For Petitioner : Mrs.Hema Sampath, Senior Counsel
for Mr.S.Packiaraj

For RR 1 and 2 : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

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

2. A perusal of the materials placed before this Court would disclose that two Associations, viz., Chennai Vazh Kovilpatti Nadar Uravinmurai Sangam, came to be registered with the same name twice vide Registration Nos.45/1984 and 61/2006.

3. The deponent of the affidavit, viz., Ramasamy Nadar, claiming to be the elected President of the said Sangam bearing Regn.No.45/1984, on an earlier occasion, has approached this Court by filing WP.No.1450/2016, praying for cancellation of the Association with Regn.No.61/2006 and this Court, vide order dated 18.01.2016 has directed the concerned officer to consider and dispose of the said representation. Accordingly, the District Registrar, South Madras has considered the claim and vide proceedings dated 21.03.2016, after taking note of the submissions of the deponent of the affidavit, namely Thiru Ramasamy Nadar and the rival claimant Thiru Krishnaswamy Nadar, has found that both the Association with Registration Nos.45/1984 and 61/2006 are having similar name and therefore, directed the Association with Regn.No.61/2006 to change the name and also indicated that in the event of not doing so, it would result in invocation of section 9[1][c] of the Tamil Nadu Societies Registration Act, 1970. The grievance expressed by the petitioner is that despite the said proceedings dated 21.03.2016, no action has been taken by the concerned Association to change its name and therefore, prayed for cancellation of the Registration of the Association with Regn.No.61/2006.

4. Mrs.Hema Sampath, learned Senior Counsel appearing for the petitioner would submit that in the light of the order of the District Registrar, South Madras, dated 21.03.2016, there cannot be any impediment on the part of the 2nd respondent to cancel the registration of the Association with Regn.No.61/2006 and prays for appropriate orders.

5. Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2, would submit that a perusal of the proceedings of the District Registrar, South Madras, dated 21.03.2016, would indicate that there exists a dispute with regard to the office bearers and prays for time to get instructions.

6. This Court considered the rival submissions and also perused the materials placed before it.

7. A perusal of the typed set of documents would prima facie disclose that there is a dispute with regard to the office bearers of the said Association and this Court is not inclined to go into the same. Be that as it may, in the light of the order of the District Registrar, South Chennai, dated 21.03.2016, the 2nd respondent is directed to consider the representation of the petitioner dated 24.04.2016 on merits and in accordance with law after putting on notice the rival claimant, namely, the 4th respondent herein and pass orders within a period of eight 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 4th respondent herein.

8. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram, Chennai 600 028
2. The District Registrar of Societies,
South Chennai, Zeenis Road,
Saidapet, Chennai 15.

+1cc to Mr.S.Packiaraj, Advocate, S.R.No.31089

RSI(CO)
CA(23/06/2016)

W.P.No.19424 of 2016

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