

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2017

CORAM

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.24334 of 2003

Socio Cultural Awakening Movement,
rep by its General Secretary,
V.Jawahar Arumugam,
2, Rajarajan Nagar,
Krishnamurthy Ngar,
Trichirapalli - 620 021.

...Petitioner

Vs.

1. The Government of Tamilnadu,
rep. by its Secretary,
Commercial Tax Department,
Fort St. George, Chennai - 9.
2. The District Registrar of Societies,
Trichirapalli.

...Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Lr.No.23727/M/99-24 and quash his order dated 16.10.2002 and direct him to consider afresh the representation of the petitioner's society made on 25.10.1999 to the first respondent.

For Petitioner : Mr.S.Vijay Anand

For Respondents: Mr.A.Zakir Hussain
Government Advocate.

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O R D E R

The prayer sought for in the writ petition is for a Writ of Certiorarified Mandamus, calling for the records of the first respondent in Lr.No.23727/M/99-24 and quash the order dated 16.10.2002 and direct the respondents to consider afresh the representation of the petitioner's society made on 25.10.1999 to the first respondent.

2. I have heard Mr.S.Vijay Anand, learned counsel appearing for the petitioner and Mr.A.Zakir Hussain, learned Government Advocate appearing for the respondents.

3. By impugned order dated 16.10.2002, the first respondent has rejected the request of the petitioner to give exemption from Section 37(3) of the Society Registration Act 1978.

4. From the records it is seen that, since the petitioner society had not filed any accounts, profit and loss statement, the registration of the petitioner society was cancelled and the name of the petitioner society was struck off. As against the such removal of the name of the petitioner society and striking of the name of the petitioner society, by the competent authority, remedies are provided under the Act. Without exhausting the same or in order to not exercising the said remedies, the petitioner seems to have approached the first respondent and hence, the said request of the petitioner was rejected through the impugned order.

5. On perusal of the record, this Court feels that the reason given by the first respondent in rejecting the said request of the petitioner to give exemption from filing appeal under the provisions of the Act, is fully justifiable, and it does not suffer with any infirmity or illegality.

6. In view of the same, the impugned order is sustainable and the writ petition fails and is liable to be dismissed and accordingly the writ petition is dismissed. However, it is open to the petitioner to agitate the issue of removal of the name of the petitioner society before the appropriate authority in the mannar known to law.

7. With the above observations, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rts

To

1. The Government of Tamilnadu,
rep. by its Secretary,
Commercial Tax Department,
Fort St. George, Chennai - 9.

2. The District Registrar of Societies,
Trichirapalli.

+ 1 cc to Mr.Srinath Sridevan Advocate,SR.86498

+ 1 cc to The Govt.Pleader, SR.87410

W.P.No.24334 of 2003

ssv(co)
nr 27/12/2017



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