



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2017

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH**  
**and**  
**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A(MD) No.363 of 2013

and

M.P.(MD).No.1 of 2013

Kalpothu Muthalipatti Nadar Uravinmurai,  
(Registration No.107 of 2010)  
D.No.2/190, Kalpothu Muthalipatti,  
Sivakasi (Via)  
Virudhunagar Taluk,  
Virudhunagar District.

... Appellant/3<sup>rd</sup> Respondent

-vs-

1.Kalpothu Muthalipatti Nadar Uravinmurai,  
(Registration No.26 of 2010)  
Represented by its Secretary,  
D.No.165, P.C.Complex,  
Chithirakara Street,  
Madurai-625 001.

...1<sup>st</sup> Respondent /Writ Petitioner

2.The Registrar of Societies,  
Madurai South, Madurai.

...2<sup>nd</sup> Respondent /1<sup>st</sup> Respondent

3.The Registrar of Societies,  
Virudhunagar.

...3<sup>rd</sup> Respondent /2<sup>nd</sup> Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patents Act, to set aside the order made in W.P.(MD) No.13164 of 2012, dated 03.01.2013, on the file of this Court.

Prayer in WP(MD). 13164/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration , declaring that the registration of the third respondent society under the name, "Kalpothu Muthalipatti Nadar Uravinmurai" by the second respondent as illegal, void and violative of Section 9 of the Tamil Nadu Societies Registration Act, 1975.



For Appellant : Mr.R.Murali  
For R1 : Mr.J.Barathan  
For R2 and R3 : Mr.M.Murugan  
Government Advocate

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JUDGMENT

[Judgment of the Court was delivered by M.M.SUNDRESH, J.]

The writ appeal is directed against the order of the learned single Judge, after noting the similarity in the names of the appellant and the first respondent was pleased to allow the writ petition as prayed for.

2. On facts, it is clear that both the appellant and the first respondent are running the Society under the same name. It is not in dispute that the registration of the first respondent/writ petitioner is prior in point of time.

3. In such view of the matter, on construction of Section 9 of the Tamil Nadu Societies Registration Act, 1975, the learned single Judge rightly allowed the writ petition as prayed for. Thus, we do not find any merit in this Writ Appeal.

4. The learned counsel for the appellant would submit that Section 11 provides for change the name of registration society. Therefore, appropriate direction may be given to the Registrar of Societies, Virudhunager.

5. Considering the said submission, liberty is given to the appellant to make an application seeking to exercise Section 11 of the Tamil Nadu Societies Registration Act, 1975, by the Registrar of Societies, Virudhunager. As and when such application is filed, the said authority shall pass appropriate orders on merits, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above observation, this writ appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS-II)

/True Copy/

Sub-Assistant Registrar



1.The Registrar of Societies,  
Madurai South, Madurai.

2.The Registrar of Societies,  
Virudhunagar.

+One cc to Mr.T.R.Jeyapalam, Advocate, SR.No.77568

+One cc to Mr.M.Suresh Kumar, Advocate, SR.No.77755

+One cc to The Special Government Pleader, SR.No.78340

cp/akv

RL/6C/3P/MR/KKR/SAR1/20/9/2017

W.A. (MD) No.363 of 2013

08.09.2017