

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17904 of 2018

Chattada Sri Vaishnava Association
Tamil Nadu & Pondicherry (Reg.No.19/2005)
represented by its Secretary
Mr.K.K.Muthukrishnan
4/142, Kamarajapuram
Palakadu Main Road
K.K.Savadi Post
Coimbatore 641 605 ... Petitioner

-vs-

1. The Inspector General of Registration
Santhome
Chennai 600 028
2. The District Registrar (Administration)
-Societies-Salem (East)
27-C, Ramasundaram Road
Salem ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records and quash the impugned order dated 13.04.2018 passed by the first respondent in his proceedings No.2700/13/2017 filed against the order dated 31.01.2018 passed by the second respondent in her proceedings Na.Ka.No.2700/A2/2007 as being illegal, ultra vires and without jurisdiction.

For Petitioner :: Mr.S.Alexraj

For Respondents :: Mr.M.Thamizharasan
Government Advocate

ORDER

This writ petition is directed against the impugned order dated 13.4.2018 passed by the Inspector General of Registration, Chennai observing that the appeal may lie only before the Government, as per Sections 44(5) or 45(1) of the Tamil Nadu Societies Registration Act, 1975.

2. Heard both sides.

3. A perusal of Section 45(1)(a) of the Tamil Nadu Societies Registration Act, 1975, which is given as under,

"45. Appeals.--(1) Any person aggrieved by an order-

(a) refusing to register a society or any amendment of the memorandum or bye-laws of a society; or

(b) cancelling the registration of a registered society;

...."

may appeal to the Government. Under Section 45(2), if any person is aggrieved by an order made by a liquidator, he may appeal to the Court. In the present case, the petitioner is aggrieved by an order passed by the second respondent dated 12.6.2017 permitting the petitioner to convene the Special General Body meeting. Since the impugned order has been passed by the second respondent-District Registrar, the petitioner has to work out his remedy by filing appeal, as per the aforementioned provisions viz., Sections 44(5) or 45(1) of the Tamil Nadu Societies Registration Act, 1975. Therefore, this Court finds no merits in this writ petition. Accordingly, the writ petition stands dismissed. Consequently, W.M.P.No.21201 of 2018 is also dismissed. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Inspector General of Registration
Santhome
Chennai 600 028

2. The District Registrar (Administration)
-Societies-Salem (East)
27-C, Ramasundaram Road
Salem.

+ 1 cc to Mr.S.Alexraj, Advocate Sr.47909

+ 1 cc to Mr. Government PleaderSr.48539

W.P.No.17904 of 2018

(CS-DR)
EU(31/07/2018)