

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.8139 of 2019

and

WMP.No.8725 of 2019

"Mahalakshmi Cultural Association"

Rep. by its Secretary D.K.G.Reddy

Old No.30, New No.58,

North Boag Road,

T.Nagar, Chennai-600 017.

... Petitioner

Vs.

1.The Inspector General of Registration

Santhome

Chennai-600 028.

2.The Registrar of Societies

Chennai South

No.9, Genies Road,

Saidapet, Chennai-600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the proceedings of the impugned order passed by the 1st respondent dated 08.11.2018 made in No.56330/I1/2013 and to quash the same.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.P.P.Purushothaman
Government Advocate

O R D E R

Mr.P.P.Purushothaman, learned Government Advocate takes notice for the respondents. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order of the first respondent dated 08.11.2018, wherein and whereby, the appeal presented by the petitioner was rejected as time barred.

3. Heard both sides.

4. The petitioner is a Club. It was issued with a show cause notice followed by a consequential order of the second respondent cancelling the registration of the petitioner-Association under Section 38(2) of the Tamil Nadu Societies Registration Act, 1975. Challenging the said order, the petitioner preferred a writ petition before this Court in WP.No.3499 of 2012. The said writ petition was however, dismissed as not maintainable on 27.06.2018 on the reason that an appeal provided under Section 45 of the Tamil Nadu Societies Registration Act, 1975, is available to the petitioner. Therefore, this Court, while dismissing the writ petition as not maintainable, has also observed that it would be open to the petitioner to invoke the appellate remedy as provided under the Act, if they are so advised. Consequently, an appeal is filed before the first respondent on 03.08.2018. The said appeal was rejected by the first respondent as time barred.

5. Going by the communication issued by the petitioner dated 06.10.2018 to the first respondent explaining the delay in filing statutory appeal and in view of the fact that this Court while dismissing the earlier writ petition had made an observation that it would be open to the petitioner to invoke the appellate remedy, this Court is of the view that the first respondent can entertain the appeal and decide the same on merits and in accordance with law, since the said appeal was presented within 2 months from the date of the disposal of the writ petition.

6. Accordingly, without expressing any view on the merits of the appeal, this writ petition is allowed and the impugned order passed by the first respondent is set aside. Consequently, the matter is remitted back to the first respondent to consider the appeal filed by the petitioner and pass orders on the same on merits and in accordance with law. The petitioner shall represent the appeal with necessary fee within a period of 7 days from the date of receipt of a copy of this order. The first respondent shall pass orders on the appeal within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

mk

To

1.The Inspector General of Registration
Santhome
Chennai-600 028.

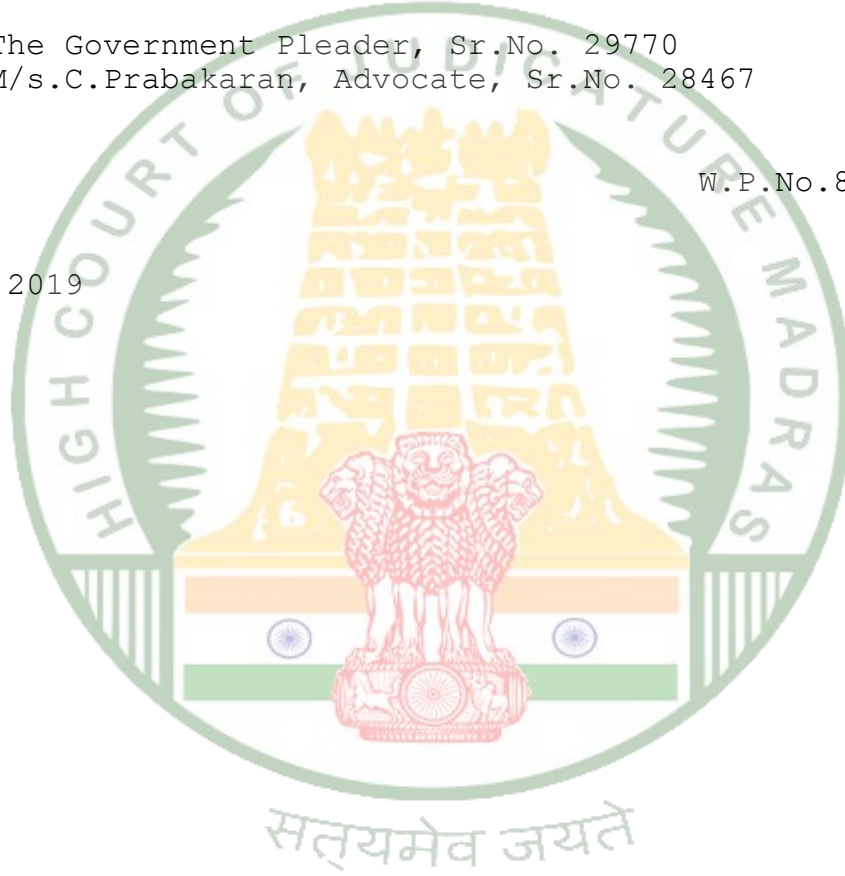
2.The Registrar of Societies
Chennai South
No.9, Genies Road,
Saidapet, Chennai-600 015.

+1 cc to The Government Pleader, Sr.No. 29770

+1 cc to M/s.C.Prabakaran, Advocate, Sr.No. 28467

W.P.No.8139 of 2019

KAN(CO)
CSL/27.04.2019



WEB COPY