

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.1571 of 2019
and
C.M.P.Nos.10782 & 10783 of 2019

R.Kannan ... Appellant/5th Respondent
Vs
M.Packiam (Deceased)

1.C.Duraipandian

2.D.Rajathi ... Respondents 1 & 2/Petitioners 2 & 3

3.The Government of Tamil Nadu,
Rep. by the Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.

4.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.

5.The Director of School Education,
College Road, Nungambakkam,
Chennai-600 006.

6.The District Education Officer,
Madurai. ...Respondents 3 to 6/
Respondents 1 to 4

PRAYER: Writ Appeal filed under Clause 15 of the Letters patent against the order dated 28.03.2019 passed in W.P.No.22766 of 2011 on the file of this Court.

W.P.No. 22766 of 2011: This Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the 2nd respondent in No. 18904/11/2006 dt 24.2.2011 and the consequential order of the 4th respondent in Mu. Mu. No. 931/A4/2002 dt 23.3.2011 and quash the same.

For Appellant : Mr.R.Nagasundaram

For Respondents: Mr.Muthumani Doraisami for R1 & R2.

Mr.T.M.Pappaiah, Special
Government Pleader for R3 & R4.

Mr.G.Karthikeyan, Assistant
Solicitor General for R5 & R6.

J U D G M E N T

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The Order of the fourth respondent dated 24.02.2011 and the consequential order of the sixth respondent dated 23.03.2011 permitting the appellant to act as the Secretary of the School Committee called "Muthuthevar Mukkulathore Secondary School Trust" were challenged before the learned Single Judge and the learned Single Judge had set aside those orders and remanded the matter to the fourth respondent viz., the Inspector General of Registration to decide the matter, after giving opportunity to all the members and the relevant portion of the order is usefully extracted as follows:

"25. For the reasons aforesaid, this Court has no hesitation in allowing the writ petition with the following directions :-

a) The impugned order passed by the 2nd respondent dated 24.2.11 in No.18904/I1/2006 and the consequential order passed by the 4th respondent dated 23.3.11 in Mu.Mu.No.931/A4/2002 are set aside;

b) The matter is once again remanded back to the 2nd respondent to pass orders afresh in regard to the dissolution/functioning of the old Society (Regn. No.2/1957) and also the legality and validity of the new society formed in the year 2000, after giving due opportunity of hearing to the parties concerned;

c) The 2nd respondent is directed to construe the Gazette Notification issued on 26.1.1983 as one issued u/s 44 (4) of the Societies Registration Act, since it was an accidental mistake committed by the authority in mentioning the provision of law wrongly as Section 44 (3) of the Societies Registration Act in the notification and proceed to give a finding on the above aspect;

d) The 2nd respondent is directed to complete the investigation and enquiry within a period of three months from the date of receipt of a copy of the order;

e) The petitioners as well as the 5th

respondent are at liberty to submit all the materials in their possession in order to establish their respective claims;

f) Till the disposal of the matter by the 2nd respondent, status quo, as on date, shall be maintained and the parties are directed not to initiate any action as against each other in order to disturb the status quo pending a final decision to be taken by the 2nd respondent in the matter;

g) Status Quo as on date is ordered in the interest of the School Management as any other arrangement would affect the conduct of the management of the school and may result in dislocation of the academic activities of the school during the coming academic year.

Aggrieved over the said order, the present appeal has been filed.

2. When the matter is called today, Mr.R.Nagasundaram, learned Counsel for the appellant would submit that after the order of the learned Single Judge, the 4th respondent viz., the Inspector General of Registration conducted an enquiry and passed order on 24.09.2019 and he would submit that he is also convinced with the order passed by the learned Single Judge. The learned Counsel for the first and second respondents would also submit that he is convinced with the order passed by the learned Single Judge.

3. Since the order has already been acted upon by conducting enquiry and by passing order and the said order is also not adverse to the appellant as well as to the first and second respondents, no further order is necessary. However, if any of the parties are aggrieved over the order passed by the fourth respondent viz., the Inspector General of Registration, it is open to them to take appropriate proceedings before the appropriate forum.

4. In the result, the appeal is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.
- 2.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
- 3.The Director of School Education,
College Road, Nungambakkam,
Chennai-600 006.
- 4.The District Education Officer,
Madurai.

+1cc to Mr.Muthumani Doraisami, Advocate, S.R.No. 86798
+2cc to Mr.R.Nagasundaram, Advocate, S.R.No. 86422
+2cc to the Government Pleader, S.R.No. 87336 86908

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and
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SR(CO)
GN(15/11/2019)