



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 26718 of 2019

and

W.M.P. Nos.26102, 26104 and 27442 of 2019

S. Arivu

... Petitioner

Vs.

1. The Secretary to Government
Department of Commercial Taxes and Registration
Secretariat
Fort St. George
Chennai - 9.
2. The Inspector General of Registration
No. 100, Santhome High Road
Chennai - 28.
3. The District Registrar/Registrar of Societies
Cuddalore.
4. The Bishop
ALC, Bharathi Road
Cuddalore - 607 001.
5. The Chairman
Pastorate Committee/Convener
ALC Arbitration Board
ALC Campus, Bharathi Road
Cuddalore - 607 001.
6. The Secretary
ALC Church Board
Bharathi Road, Cuddalore - 607 001.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, to forbear the Third Respondent from approving the election date 03.08.2019, since the Arcot Lutheran Church society has been declared non-operating (Defunct) by the Third Respondent pending the representation of the Petitioner dated 06.08.2019.



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For Petitioner : Mr. P.S. Amalraj
For Respondents : Mr. T.M. Pappiah (For R1 to R3)
Special Government Pleader
Mr. Srinath Sridevan (For R4 & R6)

R5- unserved

ORDER

Heard Mr. P.S. Amalraj, Learned Counsel for the Petitioner, Mr. T.M. Pappiah, Learned Special Government Pleader appearing for the First to Third Respondents, Mr. Srinath Sridevan, Learned Counsel appearing for the Fourth and Sixth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to forbear the Third Respondent from approving the election held on 03.08.2019 for the election of members to the Council of Church Board of the Fourth Respondent, viz., Arcot Lutheran Church, Cuddalore, since it has been declared as defunct by the Third Respondent in the notification dated 05.09.2001 published in the Government Gazette.

3. It is brought to the notice of this Court by the Learned Counsel for the Fourth and Sixth Respondents that the aforesaid notification published in the Government Gazette is not any declaration of the Fourth Respondent as defunct under clause (4) of Section 44 of the Tamil Nadu Societies Registration Act, 1975, (hereinafter referred to as 'the Act' for short) and it is merely a show cause notice under clause (3) of Section 44 of the Act, for not having filed the annual returns for three consecutive financial years, and that in response to that notification, the Fourth Respondent has filed the annual returns with explanation for such delay.

4. Learned Special Government Pleader appearing for the First to Third Respondents, on instructions, states that G.O. (Rt). No. 633 Commercial Taxes and Registration (M1) Department dated 18.11.2019 has been issued by the Government of Tamil Nadu, exempting the Fourth Respondent from the provisions of Rules 17(2), 22 and 26 of the Tamil Nadu Societies Registration Rules, 1978, for having filed the aforesaid documents belatedly with a direction to file the documents without any delay in future.



5. It is evident from the relevant records produced in support of the aforesaid submissions made on behalf of the Respondents that the Fourth Respondent has not been declared as defunct under the Act, and as such, the claim of the Petitioner in the Writ Petition that the Third Respondent must not approve the election held on 03.08.2019 for the election of members of the Council of Church Board of the Fourth Respondent, cannot be accepted.

6. Accordingly, the Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
Department of Commercial Taxes and Registration
Secretariat, Fort St. George Chennai - 9.
2. The Inspector General of Registration
No. 100, Santhome High Road, Chennai - 28.
3. The District Registrar/Registrar of Societies, Cuddalore.
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ALC, Bharathi Road, Cuddalore - 607 001.
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ALC Campus, Bharathi Road, Cuddalore - 607 001.
6. The Secretary
ALC Church Board, Bharathi Road, Cuddalore - 607 001.

+2cc to Mr.P.S.Amalraj, Advocate Sr.No.100172

+1 cc to The Government Pleader Sr.No. 100453

AKM/07.01.2020/3P-10C /

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