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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

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

W.P. No. 18641 of 2017

S. Arivu

... Petitioner

-vs-

1. The Secretary to Government,
Commercial Taxes and
Registration Department
Secretariat, Chennai.
2. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai.
3. The District Registrar/Registrar
of Societies, Cuddalore.
4. The Bishop,
A.L.C. Bharathi Road,
Cuddalore - 607 001.
5. The Chairman,
Pastorate Committee/Convenor,
ALC Arbitration Board,
ALC Campus, Bharathi Road,
Cuddalore - 607 001.
6. The Secretary,
ALC Church Board,
Bharathi Road,
Cuddalore - 607 001.
7. The Secretary,
Ministry of Law & Justice,
New Delhi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 1 to 3 and 7 conduct enquiry into and regulate the affairs of the Arcot Lutheran Church (A.L.C.), Cuddalore and consequently pass such further orders as to the management of the affairs of the Arcot Lutheran Church (A.L.C.)



For Petitioner : Mr. R. Gururaj

For Respondents: Mr. T.M. Pappiah
Special Government Pleader (for R1 to R3)

Mr. Srinath Sridevan (for R4 to R6)

Mr. J. Madhanagopal Rao
Central Government Standing Counsel
(for R7)

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O R D E R

Heard Mr. R. Gururaj, 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 Mr. J. Madhanagopal Rao, Learned Central Government Standing Counsel appearing for the Seventh Respondent, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to the First to Third and Seventh Respondents to conduct an enquiry into and regulate the affairs of the Arcot Lutheran Church, Cuddalore and to consequently pass such further orders as to the management of the affairs of the Arcot Lutheran Church, Cuddalore.

3. Learned Counsel appearing for the Fourth and Sixth Respondents submits that the same relief sought against the Arcot Lutheran Church, Cuddalore by one James in the Writ Petition in W.P. No. 19296 of 2009 has been considered in detail and rejected by order dated 25.02.2010, and that the Petitioner has not placed any different complaint in this case. That apart, Learned Special Government Pleader appearing for the First to Third Respondents submits 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 Arcot Lutheran Church, Cuddalore 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.

4. It is evident from the relevant records produced in support of the aforesaid submissions made by the Respondents that the relief as sought by the Petitioner in the Writ petition cannot be granted.



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5. Accordingly, the Writ Petition is dismissed. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

kv/vjt
To

1. The Secretary to Government,
Commercial Taxes and
Registration Department
Secretariat, Chennai.
2. The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai.
3. The District Registrar/Registrar
of Societies, Cuddalore.
4. The Secretary,
Ministry of Law & Justice,
New Delhi.

+1 CC to The Govt. Pleader sr 100449.

W.P. No. 18641 of 2017

VD (CO)
SP (09/01/2020)