

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34370 of 2018
and
W.M.P.No.39940 of 2018

Chennai Kammavar Naidu Varthaka Sangam,
Rep. by its Secretary Mr.L.Chandrasekaran,
No.76/35, Gangadeswarar Koil Street,
Purasaiwalkam, Chennai - 84. ...Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep. by the Principal Secretary,
Commercial Taxes and Registration Department,
Secretariat Buildings, Chennai - 600 001.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 3.The Registrar of Societies,
at Sub Registrar (Administration),
Office of the District Registrar (Central Chennai)
No.182, Bharathi Salai, Chennai - 600 014.

4.P.Soundarraaj ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to condone the delay in filing the annual reports by the petitioner, filed on following respective dates 18.06.2003, 22.09.2005, 03.01.2007, 14.09.2007, 16.06.2009, 19.01.2010, 23.05.2011, 25.04.2012 and 08.12.2017 for the financial year from 2001-2002 to 2010-2011 and subsequent years till 2015-2017, without taking into consideration the pendency of the suit in O.S.No.4572 of 2018 and O.S.No.5933 of 2018 on the file of City Civil Court.

For Petitioner : Mr.P.R.Raman, Senior Counsel
for Mr.J.Suresh

For Respondents : Mr.P.P.Purushothaman,
Government Advocate for R1 to R3
Mr.S.Kadarkara for R4

O R D E R

The petitioner seeks for a Mandamus, directing the respondents to condone the delay in filing the annual reports by the petitioner, filed on following respective dates 18.06.2003, 22.09.2005, 03.01.2007, 14.09.2007, 16.06.2009, 19.01.2010, 23.05.2011, 25.04.2012 and 08.12.2017 for the financial year from 2001-2002 to 2010-2011 and subsequent years till 2015-2017, without taking into consideration the pendency of the suit in O.S.No.4572 of 2018 and O.S.No.5933 of 2018 on the file of City Civil Court.

2. Heard both sides.

3. It is claimed that the petitioner association represented through their elected office bearers sought to file annual reports like account statements, members list, declarations etc., as contemplated under Section 16 of the Tamil Nadu Societies Registration Act, 1975, however, with the delay before the 3rd respondent.

4. According to the petitioner, such delay is condonable at the hands of the 1st respondent. On the other hand, the learned counsel for the 4th respondent, contended that the civil suits are pending between the parties questioning the very election. Therefore, the 1st respondent, while considering the application seeking for condonation of delay, has to hear the 4th respondent as well.

5. The learned Government Advocate submitted that power to condone is vested with the 1st respondent and therefore, it is for the 1st respondent to look into the applications filed by the petitioner seeking to condone the delay.

6. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner, as it for the 1st respondent to consider and decide. Accordingly, this Writ Petition is disposed of, by directing the 1st respondent to consider the claim of the petitioner for condonation of delay in filing the Annual Report as stated supra and pass orders on the same on merits and in accordance with law, after hearing the petitioner, the 4th respondent and other interested parties, if

there is no other legal impediment for the respondents to consider such application. Such exercise shall be done by the 1st respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi/gsi

To

- 1.The Principal Secretary,
Commercial Taxes and Registration Department,
Secretariat Buildings, Chennai - 600 001.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 3.The Registrar of Societies,
at Sub Registrar (Administration),
Office of the District Registrar (Central Chennai)
No.182, Bharathi Salai, Chennai - 600 014.

+1cc to the Government Pleader sr.15548
+1cc to Mr.J.Suresh, Advocate Sr.14797
+1cc to Mr.K.Kadarkarai, Advocate Sr.14953

W.P.No.34370 of 2018

ssi[col]
srg 8/3/2019

WEB COPY