



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**

**AND**

**THE HONOURABLE MRS. JUSTICE R.THARANI**

W.A. (MD) .No.327 of 2019

and

C.M.P. (MD) .No.2565 of 2019

T.Murugesan

... Appellant/3<sup>rd</sup> party

Vs.

1.A.Sathasivam

...1<sup>st</sup> respondent/writ petitioner

2.The Government of Tamil Nadu

rep. by its Principal Secretary

Commercial Taxes and Registration Department

Fort St. George,

Chennai-09.

3.The Inspector General of Registration,

No.100, Santhome High Road,

Mylapore, Chennai-28.

4.The District Registrar,

Trichy, Trichy District.

5.Mukkulathore Kalvi Kuzhu

(reg.No.7/1947)

rep. by its Secretary

Thiruverumbur, Tiruchy.

..Respondents/Respondents 1 to 4

Prayer: Appeal filed under Clause 15 of Letter Patent Act, against the order dated 02.08.2018 passed by the learned Single Judge in W.P. (MD) .No.17118 of 2018, dated 02.08.2018.

Prayer in WP(MD). 17118/ 2018 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 19/04/2018 requesting to grant exemption under Sec.54 of Tamilnadu Societies Registration Act, 1975 for filing appeal to restore the 4th respondent society, within a time frame fixed by this Honourable Court.



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For Petitioner : Ms.J.Maria Roseline  
For Respondents : Mr.M.P.Senthil for R-1  
Mr.Murugan, Gov. Advocate  
for RR-2 to 4  
Mrs.Hema Sampath,  
Senior Counsel  
for Mr.R.Subramanian for R-5

### J U D G M E N T

[Judgment of the Court was made by **K.KALYANASUNDARAM, J**]

This writ appeal has been preferred against the order of the learned Single Judge passed in W.P.(MD).No.17118 of 2018, dated 02.08.2018.

2.The first respondent herein filed the writ petition seeking direction to the Government/second respondent herein to consider his representation dated 19.04.2018. It seems that in the representation, the petitioner has requested the Government to grant exemption under Section 54 of Tamil Nadu Societies Registration Act, 1975, for filing appeal to restore the fourth respondent society. On 02.08.2018, this Court has issued a direction to the first respondent to consider the representation of the petitioner within a period of four weeks. Assailing the order, the appellant has come up with this appeal.

3.Heard Mr.J.Maria Roselin, learned counsel appearing for the appellant, Mr.M.P.Senthil, learned counsel appearing for the first respondent, Mr.Murugan, learned Government Advocate, appearing for the respondents 2 to 4 and Mrs.Hema Sampath, learned counsel appearing for the fifth respondent.

4.The main grievance of the petitioner is that when the writ petition in W.P.No.5318 of 2018 is pending before the Principal Bench of this Court, suppressing the said fact, W.P.(MD).No.17118 of 2018 came to be filed.

5.Learned Senior Counsel appearing for the fifth respondent would state that pursuant to the direction issued in W.P.(MD).No.17118 of 2018, the second respondent/Government has issued G.O.(D).No.344, Commercial Tax and Registration (M1) Department, dated 12.10.2018, granting exemption as sought for in the writ petition.

6.It is the contention of the appellant that the first respondent has no *locus standi* to file such writ petition and in turn, the fifth respondent opposes this appeal on the ground of maintainability.



7. Taking note of the fact that an exemption was already granted, no further adjudication is required and hence the writ appeal is closed with liberty to the appellant to challenge the said G.O, if he is so advised. However, the issues are left open. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

vs

To

1. The Principal Secretary, Government of Tamil Nadu,  
Commercial Taxes and Registration Department  
Fort St. George,  
Chennai-09.

2. The Inspector General of Registration,  
No.100, Santhome High Road,  
Mylapore, Chennai-28.

3. The District Registrar,  
Trichy, Trichy District.

+1CC TO MR.J.MARIA ROSELINE, Advocate Sr. No.54587  
+1CC TO MR.M.P.SENTHIL, Advocate Sr. No.54875  
+1CC TO MR.R.SUBRAMANIAN, Advocate Sr. No. 54853  
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 55002

W.A. (MD) .No.327 of 2019  
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