

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.20206 of 2012

All India Indian Overseas Bank,
Rep., by its General Secretary,
S.Vijayakumar,
SC/ST Employees Welfare Association,
No.314, Shivalaya Building,
3rd Floor, Ethiraj College Salai,
Egmore, Chennai-600 008.

...Petitioner

-vs-

1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 004.

2.The Registrar of Societies,
O/o. The District Registrar,
Saidapet,
Chennai-600 015.

...Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to call
for the entire records connected with the impugned order of the
1st respondent in Na.Ka.No.24798/11/2011 dated 15.05.2012 and
quash the same and consequently, direct the respondents to
restore the registration of the petitioner-Association.

For Petitioner : Perumbulavil Radhakrishnan

For Respondents : Mr.P.P.Purushothaman,
Government Advocate

ORDER

Heard M/s.Sathia Chandran, learned counsel for the petitioner and Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents.

2.The petitioner is aggrieved by an order dated 15.05.2012, passed by the first respondent in an appeal petition filed by the petitioner-Association challenging the order passed by the second respondent, removing the petitioner's name from the list of registered societies under the provisions of the Tamil Nadu Societies Registration Act, 1975 (hereinafter referred to as "the Act").

3.On a perusal of the impugned order, it is seen that the reason assigned by the first respondent is only in the penultimate paragraph of the order, wherein it is stated that the petitioner has not produced any document to establish that the Association was functioning from the period 1978-2009. Further, it is stated that considering the objects of the Association, the same cannot be registered under the provisions of the Act. It is rather doubtful as to whether the first respondent can now question the very registration of the Society, which was done as early as on 22.07.1978. Therefore, to now state that the petitioner Association cannot be registered is a ground, which has to be rejected.

4.With regard to the other issue, viz., whether the society was functioning or not, it is pointed out by the learned counsel for the petitioner that along with the appeal petition filed before the first respondent, 41 documents were filed to establish that the Association had not become defunct. Further, there is also reference to the directions issued by this Court in the conduct of elections, etc. Unfortunately, the first respondent did not refer to any of those documents while passing the impugned order. This is sufficient to hold that the impugned order is in violation of principles of natural justice.

5.For the above reason only, the writ petition is allowed, the impugned order is set aside and the matter is remanded to the first respondent for fresh consideration, who shall issue notice to the petitioner, afford an opportunity of hearing, peruse all the documents and pass a reasoned order on merits and in accordance with law.

6.So far as the order passed by the first respondent stating that the petitioner-Association cannot be registered under the Act is concerned, the same cannot be raised at this distance of time, after the Society having been registered as early as on 22.07.1978. Therefore, that finding rendered by the first

respondent is set aside and it cannot be reopened. The above direction be complied with within a period of two months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

abr

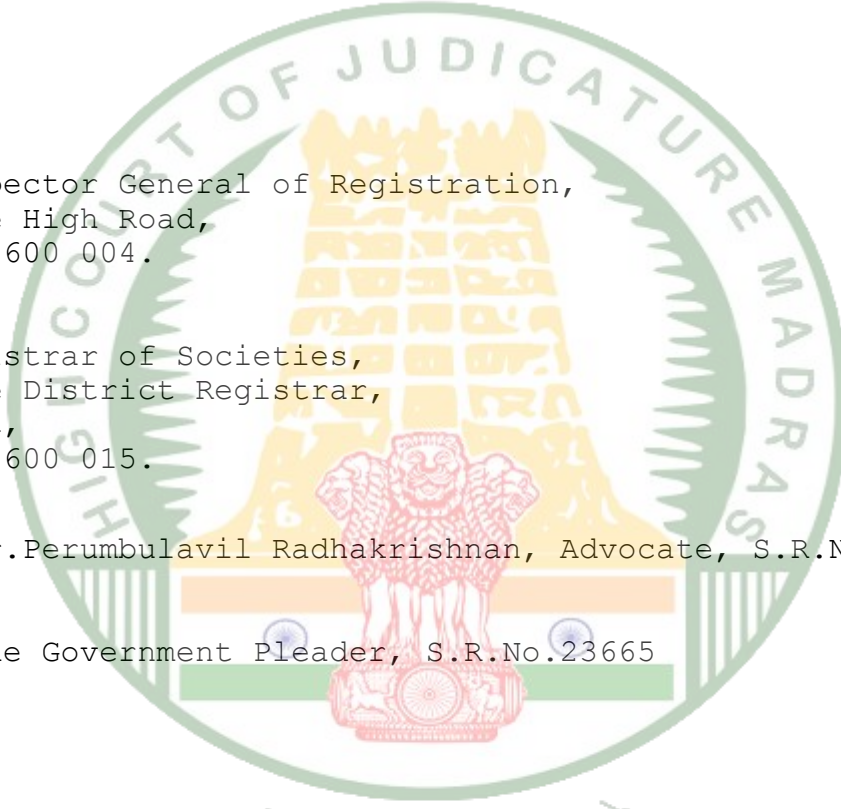
To

1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 004.

2.The Registrar of Societies,
O/o. The District Registrar,
Saidapet,
Chennai-600 015.

+2cc to Mr.Perumbulavil Radhakrishnan, Advocate, S.R.No.22615

+1cc to the Government Pleader, S.R.No.23665



सत्यमेव जयते

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NR(CO)
RN(16/07/2020)

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