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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 23400 of 2013

and

M.P.No.1 of 2013

The Pondicherry Cricket Association,
Represented by its Honorary Secretary,
G.Kalaimani,
No.10, 3rd Cross Rajaji Nagar,
Pondicherry - 605 008.

...Petitioner

Vs

1. State Represented by
The Registrar of Companies and Societies,
Elango Nagar, Pondicherry.
2. S.Ramamoorthi
3. G. Velmurugan
4. N.Bharathi

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling upon the records in F.NO.SAR./ 15/ 1968, letter dated 17.07.2013 issued by the first respondent and quash the same as ultravires and direct the first respondent to reject the Form VI & VII and other documents or reports or statements filed by the respondents 2 to 4 and others and consequently permit the petitioner's association to file Form VII and other documents or reports or statements for the financial years between 2006 and 2013 before the first respondent.

For Petitioner : Mr.K.S.Elangovan

For Respondents : M/s.Mithreyi Kasthurirangan
For Mr.K.Harishankar
[For R2 to R4]

No appearance
[For R1]



O R D E R

The relief sought for in the present writ petition is to call for the records in respect of the communication dated 17.07.2013 issued by the first respondent and direct the first respondent to reject the Form VI & VII and other documents or reports or statements filed by the respondents 2 to 4 and others and consequently permit the petitioner's association to file Form VII and other documents or reports or statements for the financial years between 2006 and 2013 before the first respondent.

2. The petitioner is the Pondicherry Cricket Association. The grievance of the petitioner is that the respondents 2 to 4 are filing documents before the first respondent / Registrar of Companies and Societies regarding the affairs of the Pondicherry Cricket Association. Therefore, they have sent a representation to the first respondent, who in turn, responded through the impugned letter dated 17.07.2013, stating that the first respondent office has no power to refuse documents filed by any society unless there is a competent Court order, restraining the office from receiving the documents from the society. As per the records of the office of the first respondent, no court order restraining the first respondent office from receiving the document is filed in respect of the petitioner society in this regard.

3. Perusal of the affidavit reveals that there are some internal dispute between the members of the Association. If at all, there is a dispute within the association, the parties are bound to resolve the same by approaching the competent Court of law. However, the petitioner cannot restrain the first respondent from exercising its power under the provisions of the Act. This Court cannot direct the first respondent not to receive the documents. As rightly pointed out, the office of the first respondent has no power to refuse documents filed by any society unless there is an order of injunction by the competent Court of law.

4. Thus, the petitioners are at liberty to approach the competent Court of law, if at all they have any grievance against the respondents 2 to 4. Contrarily, High Court cannot adjudicate such disputed facts between the parties and more over, it is in civil nature. This being the factum, the impugned communication is only a clarification issued, which is in consonance with the provisions of the Act and thus, there is no infirmity as such. The grievances of the petitioner may be resolved by approaching the competent Court of law in the manner known to law.



5. With these observations, the writ petition stands dismissed. No Costs. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nti/kak

To

The Registrar of Companies and Societies,
Elango Nagar,
Pondicherry.

+1cc to M/s.Giridhar & Sai, Advocate, Sr.50572
+2ccs to M/s.K.Harishankar, Advocate, Sr.50725

W.P.No. 23400 of 2013

SSV[co]
NSK 12/10/2021