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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.5935 of 2019

M/s.Southern Railway Protection

Force Member Association,
(Reg.No.165/73), rep. by its General Secretary,
1st Floor, K.V. Sub Station Building,
MMC Area, Park Town,
Chennai 600 003.

... Petitioner

vs.

1. The Inspector General of Registration,
Santhome High Road, Chennai 600 004.
2. The District Registrar (Administration),
Registration Department,
Office of the District Registrar,
North Chennai, Rajaji Salai,
Chennai 600 001
(Now Office at Kuralagam,
Kuralagam Building,
Chennai 600 108.)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records of the 2nd Respondent in the impugned letter No.15183/E1/2018, dated 30.01.2019 to quash the same.

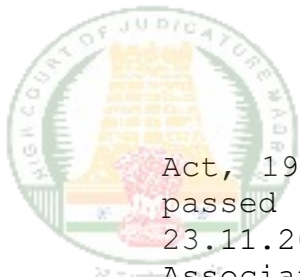
For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.R.Kumaravel,
Addl. Govt. Pleader

O R D E R

Petitioner has come up with the above Writ Petition seeking to quash the proceedings in the impugned letter No.15183/E1/2018, dated 30.01.2019 of the 2nd Respondent herein.

2. According to the Petitioner, they submitted a Report under Section 16(3) (b) of the Tamil Nadu Societies Registration



Act, 1975 for the year 2017-2018 along with a copy of the order passed by this Court and they sent reminders on 24.10.2018 and 23.11.2018. Thereafter, on 27.12.2018, the Petitioner Association sought information under the Right to Information Act. However, the 2nd Respondent, vide Letter No.15183/E1/2018, dated 30.01.2019, informed that, they cannot accept the Report under Section 16(3)(b) of the Tamil Nadu Societies Registration Act, 1975 for the year 2017-2018, since the Petitioner Association is dissolved under Section 44(4) of the Act. Hence, challenging the said communication, the Petitioner is before this Court.

3. Learned counsel for the Petitioner contended that, though the 2nd Respondent received the Report of the Petitioner's Association under Section 16(3)(b) of the Tamil Nadu Societies Registration Act, 1975, for a period of eight years from 2010 to 2017, it is not open to them to refuse the Report for the year 2017-2018. Hence, he pleaded that, this Court may issue a direction to the 2nd Respondent to furnish the Report for the year 2017-2018 to the Petitioner.

4. Learned Additional Government Pleader appearing for the Respondents submitted that, as against the impugned order passed by the 2nd Respondent, there is an appellate remedy available to the Petitioner under the Right to Information Act, and without exhausting the same, they have approached this Court and hence, the same is not sustainable.

5. Admittedly, there is an appellate remedy available to the Petitioner against the impugned order passed by the 2nd Respondent and without exhausting the same, they have approached this Court. Hence, this Writ Petition is dismissed with liberty to the Petitioner to file an Appeal before the appropriate Authority within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Aeb

To:

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



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2. The District Registrar,
(Administration),
Registration Department,
Office of the District Registrar,
North Chennai, Rajaji Salai,
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(Now Office at Kuralagam,
Kuralagam Building,
Chennai 600 108.)

+1cc to Mr.M.Balasubramanian, Advocate SR.No.67234
+1cc to the Government Pleader SR.No.67959

W.P.No.5935 of 2019

VG II(CO)
GN(04/01/2022)