



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-10-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.27259 OF 2016

AND

W.M.P.NO.23431 OF 2016

Dr.B.Vijayan, B.V., SC

... Petitioner

.Vs.

1. The Registrar of Companies,
Office of the Registrar of Companies,
Ministry of Corporate Affairs,
Government of India,
No.35, First Floor,
Elango Nagar, III Cross,
Puducherry - 605 011.
2. The District Registrar (Societies),
Trichy - 620 001.
3. The Tamil Evangelical Lutheran Church (TELC),
Represented by its Judge Administrator,
Tranquebar House,
Trichy - 620 001.
4. Rev.S.Edwin Jeyakumar
5. Rev.S.A.Packianathan
6. Mr.E.D.Charles
7. Mr.I.E.P.Gnanaraj
8. Rev.P.Immanuel
9. Rev.C.Sam Jebaraj Stephenson
10. Mr.D.Masilamani Prince
11. Mrs.S.Daisy Rani

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 04.06.2016 for cancelling the said illegal registration of Tamil Evangelical Lutheran Church on 16.10.2015 with serial number of the Society as 454/2015 obtained from his office by the respondents 4 to 11 and direct the first respondent to conduct an enquiry and take necessary



WEB COPY

action according to law against the respondents 4 to 11 for suppression and misrepresentation of facts relating to the registration of TELC Society and its properties.

For Petitioner : Mr.P.Babu Janardhan
For Respondent-2 : Mr.C.Kathiravan
Government Advocate
For Respondent-6 : Mr.Mani Sundar Gopal
For Respondents : No Appearance
No.1,4,5,7 to 11
For Respondent-3 : Not Ready in Notice

O R D E R

The relief sought for in the present writ petition is to direct the first respondent to consider the petitioner's representation dated 04.06.2016 for cancelling the illegal registration of Tamil Evangelical Lutheran Church on 16.10.2015 with serial number of the Society as 454/2015 obtained from his office by the respondents 4 to 11 and direct the first respondent to conduct an enquiry and take necessary action according to law against the respondents 4 to 11 for suppression and misrepresentation of facts relating to the registration of TELC Society and its properties.

2. The nature of the relief sought for in the present writ petition, cannot be considered in view of the fact that such disputed issues between the Management and the petitioner, cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India.

3. The petitioner seeks a direction to consider his representation for administering the Institutions falling under Tamil Evangelical Lutheran Church (TELC). Such Management disputes are to be resolved from the Competent Court of Law and only after crystallisation of the rights of the parties, the relief is to be granted in the manner known to law.

4. Merely submitting a representation and by getting a direction from the High Court to dispose of the representation, the lapse on the cause of action cannot be restored. Thus, the reasons developed by the litigants that too after several years and their submission of representation in respect of certain issues and mere filing of writ petition to seek directions to consider the representation are not acceptable and the High



Court also in a routine manner cannot issue such a direction and the Authorities are also bound to follow the guidelines issued by this Court.

5. After getting an order on merits, then such orders are challenged by restoring the lapse caused on the cause of action by means of adjudication of the legal issues, is absolutely impermissible. However, the person aggrieved is duty bound to approach the appropriate Court of Law, within the reasonable period of time. The person, who has slept over, cannot wake up all of a sudden in one fine morning and knock the doors of the Court, for redressal of his remedy. Such an approach can never be appreciated and the same is to be deprecated.

6. Thus, the back door way of restoration of cause of action, can never be encouraged by the Courts and only when the parties are able to establish their rights, the direction to consider the appeal/representation is to be granted and not in all other cases.

7. This being the principles to be followed, mere direction to consider the representation of the petitioner, is to be granted only in such cases where the person approaching the Court has to establish his right and the infringement of such right. Therefore, if the petitioner could be able to establish any infringement of right, then he is at liberty to approach the Competent Court of Law or Forum in the manner known to law.

8. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Registrar of Companies,
Office of the Registrar of Companies,
Ministry of Corporate Affairs,
Government of India,
No.35, First Floor,
Elango Nagar, III Cross,
Puducherry - 605 011.



2. The District Registrar (Societies),
Trichy - 620 001.

3. The Judge Administrator,
The Tamil Evangelical Lutheran Church (TELC),
Tranquebar House,
Trichy - 620 001.

+1cc to Mr.P.Babu Janardhan, Advocate, S.R.No.51934
+1cc to Mr.Mani Sundar Gopal, Advocate, S.R.No.52304

W.P.NO.27259 OF 2016

RR(CO)
PBS/29/10/2021