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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11269 of 2019

and

W.M.P.No.11624 of 2019

Pondicherry Cricket Association,
Rep by Honorary Joint Secretary,
N. Sivacoumare
Door No.22, 1st floor,
Thiruvalluvar Street
Radhakrishnan Nagar,
Kathirkamam Post,
Puduchery-605 009

... Petitioner

Vs.

1. The Registrar of Companies,
Ministry of Corporate Affairs,
Government of India,
No.7, 2nd Floor, Karuvadikuppam Main Road,
Muthiabet,
Puduchery-605 003.
2. Cricket Association of Pondicherry
(Formerly Union Territory of Pondicherry Cricket
Association)
Rep by its Honorary Secretary
R.S. No.104/8 & 105/7, Sethuramapet Main Road,
Pondicherry-605 101. ... Respondents

Prayer: Petitioner has filed this petition under 226 of the Indian Constitution to issue a Writ of Mandamus directing the 1st respondent to conduct an enquiry and form opinion pursuant to the representation of the Petitioner Association dated 03.12.2018 in respect of the Registration of an Association by name Cricket Association of Pondicherry vide Registration Number 178 of 2003, which is similar and identical to the petitioner Association viz., Pondicherry Cricket Association vide



Registration Number 15 of 1968 and pass suitable order or direction in accordance with Section 18-A(2) of the Societies Registration (Pondicherry Amendment) Act 1969 and also in accordance with Societies Registration Act 1860.

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For Petitioner : M/S. P.C.Harikumar & Associates

For R-1 : M/s. Mr. R. Sankaranarayanan,
Additional Solicitor General of India

For R-2 : M/s. A. L. Sundaresan,
Senior Advocate

ORDER

The present petition has been filed seeking a direction to the 1st respondent to conduct an enquiry and form opinion pursuant to the representation of an Association by name Cricket Association of Pondicherry, which is similar and identical to the petitioner Association and in terms of Section 18-A(2) of the Societies Registration (Pondicherry Amendment) Act 1969 and Societies Registration Act 1860.

2. It is the case of the petitioner that the petitioner association namely "Pondicherry Cricket Association", was established in the year 1968 which has been running over past five decades having being affiliated with 37 clubs.. While being so, the 2nd respondent association was formed in the year 2003, with the name "Union Territory of Pondicherry Cricket Association" and later the name of which was changed into "Cricket Association of Pondicherry". Having come to know the above facts, the petitioner made a representation dated 03.12.2018 to the 1st respondent to conduct an enquiry with regard to the same, in accordance with Section 18-A of the Societies Registration (Pondicherry Amendment) Act 1969 as the Section states that no two associations shall continue to run with the identical names as it is likely to deceive the general public. However, till date, the petitioner's representation has not been considered. Hence, the present Writ Petition has been filed seeking the aforesaid relief.

3. Learned counsel appearing for the petitioner submits that initially, the petitioner was not aware of the establishment of the 2nd respondent association. When, the petitioner came to know about the case which is pending before the Hon'ble Apex Court pertaining to the aforesaid issue, the petitioner had made a representation to the 1st respondent



herein. Further, the learned counsel submits that it would suffice if this Court issues a direction to the 1st respondent to act on the petitioner's representation within the time stipulated by this Court.

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4. Per contra, learned Addl. Solicitor General appearing for the 1st respondent submits that as per Section 18-A of the Societies Registration Act, any person, who is aggrieved with the usage of identical names, has to challenge the same within a period of six months. It is the further submission of the learned Addl. Solicitor General that even according to the petitioner, the 2nd respondent society was formed in the year 2003, however, the petitioner has kept silent and has come before this Court only in the year 2019 with the present prayer, which cannot be granted, as otherwise it would defeat the very purpose of Section 18-A (2) of the Act.

5. Learned Senior counsel appearing for the 2nd respondent, in essence, concurs with the submissions advanced by the learned Addl. Solicitor General and further submits that petitioner having not been diligent enough to invoke the provisions of Section 18-A at the earliest point of time, cannot now come and seek for the relief and, therefore, prays for dismissal of the present petition.

6. This Court gave its anxious consideration to the submissions advanced by the learned counsel for the parties and perused the materials available on record.

7. Before adverting to the facts and materials in the present case, it is but necessary to advert to Section 18-A of the Societies Registration Act, which has a crucial bearing to the case on hand and for better appreciation the same is extracted hereunder :-

Power of Registrar to refuse registration in certain cases.

"18-A.(1) The Registrar shall refuse to register-

- (a) a society under section 3,
- (b) the change of names made under section 12-A, or
- (c) a society under section 17,

if the proposed name of such society is undesirable or identical with that by which any other existing society has been registered or in the opinion of Registrar so nearly resembles such other name as to be likely to deceive the public or the members of either society;



To

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2. Honorary Secretary
Cricket Association of Pondicherry
(Formerly Union Territory of Pondicherry Cricket
Association)
R.S. No.104/8 & 105/7, Sethuramaped Main Road,
Pondicherry-605 101.

+1cc to Mr.P.C.Harikumar, & Associates, Advocate Sr.60391

W.P.No.11269 of 2019

gsm[col]
srg 10/03/2022