



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.23912 of 2018

Usilampatty Nattathi Hindu Nadar
Uravinmurai Peravai, a society
registered under the Tamil Nadu
Society Registration Act, 1975, having
its registered office at Javuli Kadai
Bazaar, Usilampatty, Madurai District
rep.by its President Mr.B.Jeyarajan.

... Petitioner

-Vs-

- 1.The Inspector General of Registration
Santhome High Road, Chennai 600 028.
- 2.The District Registrar of Societies
South Chennai, Jennies Road
Saidapet, Chennai 600 015.
- 3.Usilampatty Kshatriyakula Hindu Nattathi
Nadargal Uravinmurai, a society registered
under the Tamil Nadu Societies Registration
act, 1975, having its registered office at
No.52, 5th Street, Padmanabha Nagar
Adyar, Chennai 600 020, rep.by its Secretary
Mr.G.Subramanian.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to consider the representation dated 05.05.2018 and consequently change the name of the respondent No. 3 which was registered in contravention to section 9 (1) [c] and section 11 of the Tamil Nadu Societies Registration Act 1975.

For Petitioners :Mr.V.Jayachandran

For Respondents :Ms.Akila Rajendran,
Government Advocate
-for RR 1 a and 2
Mr.A.S.Vijayaragavan - for R3



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent to consider the representation dated 05.05.2018 and consequently change the name of the respondent No. 3 which was registered in contravention to section 9 (1) [c] and section 11 of the Tamil Nadu Societies Registration Act 1975.

2. The petitioner viz., Usilampatty Nattathi Hindu Nadar Uravinmurai Peravai was a registered Society having been registered in the year 1991 with Registration No.98/91 and had been functioning all along. While that being so, the third respondent Society viz., Usilampatty Kshatriyakula Hindu Nattathi Nadargal Uravinmurai got registered in another registration office in the same year ie., in the year 1991, of course after the petitioner Society was registered. Since the name of both the petitioner as well as the third respondent is almost similar, objection was raised on behalf of the petitioner especially in the context of Section 9(1)(c) and 11(1)(2) of the Societies Registration Act and in this regard it seems that, already representation had been given by the petitioner to the first and second respondents to cancel the registration made in favour of the third respondent and the same since was not considered, it seems that the petitioner had already approached this Court in W.P.No.4232 of 2009, where it seems that, an order by way of direction was given to consider the representation of the petitioner and to decide the same on merits within a time frame. Despite the said order passed by this Court, it is the grievance of the petitioner that, no fruitful action was forthcoming from the respondents and no action was taken to cancel the registration made in favour of the third respondent. Therefore, it triggered the petitioner to approach this Court once again by way of filing of the present writ petition, where the petitioner seeks a mandamus to consider the representation dated 05.05.2018 made by the petitioner and decide the same on merits and in accordance with law within a time frame that may be stipulated by this Court.

3. Heard Mr.V.Jayachandran, learned counsel appearing for the petitioner, who after having reiterated the aforesaid facts, would seek the indulgence of this Court.

4. Heard Mr.A.S.Vijayaraghavan, learned counsel appearing for the third respondent who would submit that, if at all the representation of the petitioner dated 05.05.2018 is directed to be considered by the second respondent on merits, before deciding the same, let the second respondent give an opportunity to the third respondent also to put forth their case and after hearing them, let it be decided on merits.



5. Heard Ms.Akila Rajendran, learned Government Advocate appearing for the first and second respondents, who would submit that, the delay caused in deciding the representation that was already made in this regard despite the order passed by this Court is not intentional and therefore, certainly the present representation dated 05.05.2018 which is sought to be decided by the official respondents, for which the present mandamus is sought for by the petitioner, would be considered by the official respondents, of course after giving an opportunity of being heard to both the parties, she contended.

6. Considering the said submissions made by the learned counsel for both parties and by taking into account the innocuous nature of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following order.

7. That there shall be a direction to the second respondent to consider and decide the representation dated 05.05.2018 given by the petitioner with regard to the prayer sought for to cancel the registration made in favour of the third respondent and pass orders thereon, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that, before passing orders the second respondent shall give separate notices to the petitioner as well as the third respondent and on receipt of the notice, it is for the parties to appear before the second respondent to put forth their case and after hearing both the parties, necessary orders shall be passed by the second respondent within the time frame as indicated above. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

KST

To

1.The Inspector General of Registration
Santhome High Road, Chennai 600 028.

2.The District Registrar of Societies
South Chennai, Jennies Road
Saidapet, Chennai 600 015.



3.The Secretary, Usilampatty Kshatriyakula Hindu Nattathi Nadargal Uravinmurai, a society registered under the Tamil Nadu Societies Registration act, 1975, having its registered office at No.52, 5th Street, Padmanabha Nagar Adyar, Chennai 600 020.

+1cc to Mr.V.Jayachandran, Advocate, S.R.No.27809

W.P.No.23912 of 2018

UM(CO)
CB(22/07/2021)