



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.09.2021

Coram

The Honourable Mr. Justice R. MAHADEVAN

W.P.No.18662 of 2021

Chengalpatu District Micro and
Small Industries Association,
A Society registered under the Tamil Nadu Societies
Registration Act, 1975 (Tamil Nadu Act 27 of 1975)
rep. by its President T. Wilson,
No.23, Bhoopathy Nagar, 1st Street,
Keelkattalai,
Chennai - 600 117.

...Petitioner

Versus

1. The Inspector General of Registration,
Santhome High Road, Chennai - 600 028.
2. The Registrar of Societies,
Chennai South, Chennai - 600 015.
3. The District Registrar (Administration),
The District Registrar Office,
Chengalpattu District.
4. The President/Secretary,
Chengalpattu District Micro and
Small Industries Association (335/2019),
No.72/20, Rastha 1st Street,
Anumanthaputheri, Natham,
Chengalpattu - 603 002.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the third respondent to cancel the registration of Chengalpattu District Small and Micro Industries Association bearing Registration No.335/2019 in pursuant to the proceedings letter No.2481/E1/2020 dated 20.10.2020 issued by the third respondent in accordance with the provisions of the Tamil Nadu Societies Registration Act, 1975 within the time frame fixed by this Court by considering the petitioner's representation dated 23.12.2020.

For Petitioner	:	Mr.A.Saravanan
For Respondents - 1 to 3 :		Mr.G.Krishnaraja, Government Counsel



Respondent - 4 : Mr.A.R.L.Sundaresan,
Senior Counsel
for Mrs.A.L.Gandhimathi

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With the consent of both sides, this writ petition is taken up for final disposal.

2. The relief sought in this writ petition is to direct the third respondent to consider the petitioner's representation dated 23.12.2020 and cancel the registration of Chengalpattu District Small and Micro Industries Association bearing Registration No.335/2019 pursuant to the proceedings bearing No.2481/E1/2020 dated 20.10.2020 issued by the third respondent, in accordance with the provisions of the Tamil Nadu Societies Registration Act, 1975, within a time frame to be fixed by this Court.

3. The brief facts of the case are as follows:

3.1 The petitioner is a registered Association bearing Registration No.SRG/Chennai South/533/2019 and was established for the purpose of safeguarding the interest of the Chengalpattu District Micro and Small Industries. Subsequently, someone has registered a society in the name of Chengalpattu District Small and Micro Industries Association bearing Registration No.335/2019 i.e., fourth respondent, which is more similar to the name of petitioner Association. Hence, the petitioner made a complaint dated 21.08.2020, before the respondents, in this regard.

3.2 Pursuant to the aforesaid complaint, the third respondent conducted an enquiry and sent a letter No.2481/E1/2020 dated 20.10.2020 to the President/Secretary of the said subsequently registered Association, wherein, it was stated that the Chengalpattu District Small and Micro Industries Association bearing Registration No.335 of 2019 ought to have changed its name under Section 11(1) & (2) of the Tamil Nadu Societies Registration Act, 1975 (hereinafter referred to as 'Act'), failing which, its registration will be cancelled under Sections 36 and 37(1)(a) of the Act. Even after the issuance of aforesaid communication, the said Association neither changed its name nor cancelled its registration. Therefore, the petitioner Association sent a representation dated 23.12.2020 to the respondents, requesting to cancel the registration of the subsequently registered Association bearing Registration No.335/2019. However, till date, no action has been taken on the same.



3.3 In the mean while, the Petitioner Association approached the third respondent and sought information under the Right to Information Act, in this regard, for which, the third respondent vide communication dated 22.07.2021 replied that action has already been initiated against the said Association, but final decision has not yet taken on this issue and therefore, at this stage, information cannot be given. Hence, left with no other alternative, the petitioner has come before this court with the present writ petition for the aforesaid relief.

4. Heard the learned counsel on both sides and perused the materials placed before this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing for all the parties, this Court, without expressing any opinion on the merits of the case, directs the third respondent to consider the petitioner's representation dated 23.12.2020 and pass appropriate orders on merits and in accordance with law, preferably, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the petitioner as well as the fourth respondent.

6. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028.
2. The Registrar of Societies,
Chennai South,
Chennai - 600 015.
3. The District Registrar (Administration),
District Registrar Office,
Chengalpattu District.



4. The President/Secretary,
Chengalpattu District Micro and
Small Industries Association (335/2019),
No.72/20,Rastha 1st street, Anumanthaputheri,
Natham, Chengalpattu- 603 002

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+1CC to M/s.Ganthimathi, Advocate, Sr.No.48181
+1CC to Mr.A.Saravanan, Advocate, Sr.No.48249
+1CC to Government Pleader, Sr.Nos.48598, 48558

W.P.No.18662 of 2021

VSN-II (CO)
K.RK. (23.09.2021)