

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30205 of 2019

The Thyagaraya Nagar Ladies Club
rep.by its President Mrs.J.Selvi ...Petitioner

Vs.

The Principle Secretary to Government of Tamil Nadu,
Commercial Tax and Registration (M1) Department,
Secretariat, Chennai 600 009. ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the respondent vide letter No. 8174/ M1/ 2017-9 dated 6.3.2019 and quash the same and consequently direct the respondent to condone the delay application of the petitioner Society by accepting the annual returns of the Society dated 6.3.2018 along with fine if any as per the Tamil Nadu Societies Registration (Amendment) Act 2013 and Tamil Nadu Act 12/2013.

For Petitioner : Mr.E.Senthilkumar

For RR1 : Mr.Kumaravel
Additional Government Pleader
Standing Counsel (TNEB)

For RR2 : Mr.K.Karthikeyan
Government Advocate

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order and quash the same and consequently direct the respondent to condone the delay application of the petitioner Society by accepting the annual returns of the Society.

2.The case of the petitioner is that the petitioner club commenced its function in the year 1934 under the Societies Registration Act, 1860 and the petitioner Club is a non profit,

volunteer based women group. Since the Registration Certificate of the Club has not been renewed, without giving intimation, the petitioner's Society has been removed from the Registry of Societies in the year 1976. It is the claim of the petitioner that upon submission of application by the Societies, provisions are there to condone the delay of above 15 years to unlimited years after paying fine as per the Act and Rules and thereby, the petitioner has submitted its representation dated 06.03.2018 to the respondent invoking Section 49 of the Tamil nadu Societies Registration Act, wherein powers have been given to the respondent for levying fine for the delayed filing of documents, for accepting the returns as mandated under the Act. Since there was an inordinate delay by the respondent in considering the application, the petitioner was constrained to file a Writ Petition in W.P.No.27380 of 2018, wherein this Court has directed the respondent to pass suitable order in accordance with the Tamil Nadu Societies Registration (Amendment) Act, 2013. In spite of the said order, the respondent without proper verification of the Amendment Act, 2013, has rejected the application vide letter dated 06.03.2019, stating that the petitioner Society is declared as ''Defunct''. Challenging the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that under Rights to Information Act, the petitioner has sought for Gazette notification and the Public Information Officer has furnished bunch of Gazette notifications and in that also, the alleged defunct notification dated 29.07.1976 was not found, as such our society is not ''Defunct'' and therefore, the respondent has to accept the annual returns with fine under the amended Act 12/2013.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court permits the petitioner to file fresh application in the name of the Society to renew the registration of the petitioner Society.

5. The learned Additional Government Pleader appearing for the official respondents submitted that if any fresh application is filed with request for registration of the Society under the Tamil Nadu Societies Registration Act, 1975, the said application will be considered in the manner known to law.

6. In view of the consent expressed by the learned counsel on both sides, the impugned order passed by the respondent vide letter No. 8174/ M1/ 2017-9 dated 6.3.2019, is quashed and further this Court without expressing any opinion on the merits of the case, grants liberty to the petitioner to file fresh application before the respondent for registration of the petitioner Society. If any such application is filed, the

respondent is directed to consider the same on merits and pass appropriate orders in accordance with law as expeditiously as possible.

7.This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sk

To

The Principle Secretary to Government of Tamil Nadu,
Commercial Tax and Registration (M1) Department,
Secretariat, Chennai 600 009.

+2cc to Mr.E.Senthilkumar, Advocate, S.R.No.68946

+1cc to the Government Pleader, High Court, Madras,
S.R.No.69023, 69532

W.P.No.30205 of 2019

BR(CO)
RGA(25/01/2022)