



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

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THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.4694 of 2021

Vivekananda Educational Society,
Rep. by its Secretary,
C.Rajan.

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Registration,
Fort St. George,
Chennai.

2.The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

3.The District Registrar,
Kanyakumari District,
Nagercoil,
Kanyakumari District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to condone the delay occurred in the annual returns for the period from 2002 to 2020 and renew the petitioner's Society namely Vivekananda Educational Society bearing Registration Number 24 of 1964 within the time frame stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.Sathyasingh,
Additional Government Pleader.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to condone the delay in filing the annual returns for the period from 2002-2020 and to renew the registration of the petitioner Society.



2. The case of the petitioner is that the petitioner Society was established in the year 1964 and it was registered under the Society Registration Act, before the third respondent and it was allotted Registration No.24 of 1964. The further case of the petitioner is that the petitioner Society was established for running Educational Institutions for the benefit of the general public. The petitioner Society also claims to be running certain educational institutions catering to the needs of nearly 2500 students.

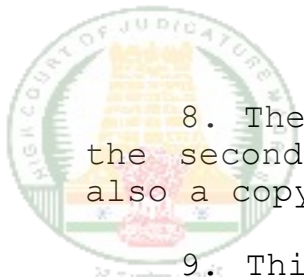
3. The further case of the petitioner is that there was a change in management in the Society and hence, the annual returns were not properly submitted during the period from 2002-2020. After the present management took charge, they submitted an application seeking to condone the delay in filing the annual returns and requested the respondents to exercise their powers under Section 49 of the Tamil Nadu Society Registration Act and condone the delay and renew the registration of the petitioner Society. Since, the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate direction.

4. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.K.Sathyasingh, learned Additional Government Pleader appearing for the respondents.

5. The issue involved in the present case was considered by another learned Single Judge of this Court in W.P.(MD)No.1699 of 2021 and an order was passed on 29.01.2021, wherein this Court held that the authority can exercise powers under Section 49 of the Tamil Nadu Society Registration Act and condone the delay and regularize the filing of the annual returns. This Court is in complete agreement with the view taken by the learned Single Judge.

6. In the considered view of this Court, the petitioner Society has voluntarily taken steps to regularize the functioning of the Society and admittedly, there is a delay in submitting the annual returns for the period from 2002-2020. The delay can be condoned by the respondents in exercise of their powers under Section 49 of the Tamil Nadu Society Registration Act. Once the delay is condoned, the petitioner will be able to regularize the functioning of the Society. This is more so, since the petitioner Society is running Educational Institutions and many students are studying in these institutions.

7. In view of the above discussion, there shall be a direction to the second respondent to entertain the representation submitted by the petitioner on 05.01.2021, and condone the delay in filing the annual returns for the period from 2002-2020 and consequently, renew the registration of the petitioner Society. This process shall be completed by the second respondent within a period of six (6) weeks



8. The petitioner is directed to make a fresh representation to the second respondent along with all the necessary documents and also a copy of this order.

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

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Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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In view of the present lock down owing to COVID-19
Note : pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Principal Secretary,
The State of Tamil Nadu,
Department of Registration, Fort St. George, Chennai.
- 2.The Inspector General of Registration,
O/o. The Inspector General of Registration,
No.100, Santhome High Road, Chennai - 600 028.
- 3.The District Registrar,
Kanyakumari District, Nagercoil, Kanyakumari District.

+1 CC to M/s.SPL GP (SR-15793[F] dated 15/04/2021)
+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-16011[F] dated 16/04/2021)

RM(05.05.2021) 3P 6C

W.P. (MD)No.4694 of 2021
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