



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.15607 of 2021

and

W.M.P. (MD).Nos.12555, 12559 & 12560 of 2021

M.Lal Bahadur Kennedy

... Petitioner

Vs.

- 1.The Inspector General of Registration,
O/o.The Inspector General of Registration,
Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
O/o.The Deputy Inspector General of
Registration,
Anna Nagar,
Sankar Colony,
Palayamkottai,
Tirunelveli District.
- 3.The District Registrar (Societies),
Palayamkottai,
Tirunelveli District,
Tirunelveli

4.D.Augustin

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the Impugned Order in No.1115/U/2021 dated 12.06.2021 on the file of the second respondent and quash the same as illegal.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Subbaraj
Counsel for the State for R1 to R3

: Mr.Rajkumar for R4



ORDER

The petitioner challenges an inquiry notice dated 12.06.2021 issued by the second respondent herein.

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2. The petitioner states that he had submitted Form VII in relation to the Kovilpatti Tamil Baptist Schools Association on 22.07.2015 to the third respondent. In view of the non-acceptance thereof, the petitioner was constrained to file W.P.(MD).No.14212 of 2015. Pursuant to order dated 10.08.2015, the said Form VII was received and taken on file. The petitioner states that the fourth respondent herein approached the third respondent to recall the above mentioned Form VII. In response thereto, it is stated that the third respondent refused to recall the Form VII. There appear to be other legal proceedings between the petitioner and the fourth respondent. The fourth respondent contends that an order has been passed in one such proceeding to restrain the petitioner from appointing persons to manage the affairs of the society.

3. In these circumstances, the petitioner states that he received the impugned communication dated 12.06.2021. According to the petitioner, the second respondent does not have the jurisdiction or authority to cancel or recall a Form VII which has been taken on record. Therefore, the present writ petition has been filed to quash the inquiry notice.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3 and Mr. Rajkumar, learned counsel, accepts notice on behalf of the fourth respondent. Mr.Rajkumar points out that the inquiry is in progress and that interference with such inquiry is not warranted in the facts and circumstances.

5. The impugned inquiry notice is not a show cause notice for cancellation of the Form VII. Ordinarily, in judicial review, the court declines to interfere with an inquiry notice unless it is evident from such notice that it has been issued ex facie without authority or jurisdiction. Such conclusion cannot be drawn on the basis of the impugned inquiry notice. Therefore, the petitioner has failed to make out a case to interfere with such inquiry notice. At the same time, the petitioner is entitled to copies of all documents that the inquiring authority proposes to rely upon in course of such inquiry. In the event that the petitioner makes a request for the production of such documents, the second respondent should provide copies thereof to the petitioner. In addition, it is needless to say that all objections raised by the petitioner, including in relation to the jurisdiction of the authority, should be duly considered while taking a decision in such inquiry.



6. Subject to the above observations, W.P(MD).No.15607 of 2021 is disposed of without any order as to costs. Consequently, connected W.M.P. (MD).Nos.12555, 12559 & 12560 of 2021 are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

Note : In view of the present lock down owing to COVID-19 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 Inspector General of Registration,
O/o.The Inspector General of Registration,
Chennai 600 028.
- 2.The Deputy Inspector General of Registration,
O/o.The Deputy Inspector General of
Registration,
Anna Nagar,
Sankar Colony,
Palayamkottai,
Tirunelveli District.
- 3.The District Registrar (Societies),
Palayamkottai,
Tirunelveli District,
Tirunelveli

+1 CC to M/s.GP (SR-28052[F] dated 03/09/2021)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-28268[F] dated 06/09/2021)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate(SR-28274[F] dated 06/09/2021)

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