



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.19201 of 2021

and

W.M.P(MD).Nos.15929 and 15930 of 2021

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Tamil Nadu Muslim Munnetra Kazhagam Trust (TMMK),
Registered as a Trust Vide Document No.238 of 2003
Represented by its Chairman DR.M.H.Jawahirullah
7,Vada Maraicoir Street,
Chennai-600001.

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Commercial Taxes and Registration,
Fort St.George, Chennai 600 009.

2.The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 004.

3.The District Registrar of Societies of Palayamkottai
Collectorate Campus, Kokkirakulam,
Tirunelveli-627 009.

4.Tamil Nadu Muslim Munnetra Kazhagam Trust (TMMK),
Registered as a Society Vide Reg No.01 of 2015
Represented by its Secretary- Mr.A.Maideen Farooq
12A/1, Eyar Pagai Nayanar Street,
Palayamkottai, Tirunelveli District-627 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to hear, decide and pass orders on the petitioner's representation dated 28th June 2021 seeking for initiation of an enquiry in accordance with law and cancellation of registration of the fourth respondent society bearing the name of the petitioner's trust.

For Petitioner	: Mr.K.M.Aasim Shehzad For M/s.BFS Legal
For R1 to R3	: Mr.K.S.Selva Ganesan Counsel for State
For R4	: Mr.Mohamed Riza



ORDER

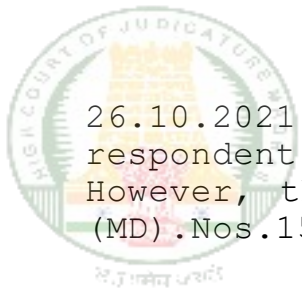
The petitioner seeks the consideration of his representation dated 28.06.2021 seeking an inquiry in relation to the cancellation of the registration of the fourth respondent society.

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2.The petitioner states that it was established and registered as a voluntary charitable organization on 01.08.1995. The said society is said to be engaged in the provision of social services to all sections of society irrespective of religion and caste. The petitioner asserts that the former General Secretary of the petitioner, namely, Mr.S.Hyder Ali, acted against the interest of the society. Accordingly, he was removed from the membership thereof. It is also stated that one A.Maideen Farooq, the then District President of the Tirunelveli District of the Trust, was removed from the post. Thereafter, the said Mr.S.Hyder Ali and Maideen Farooq joined hands and incorporated a society with a name identical to that of the petitioner society. The petitioner alleges that its reputation has been tarnished by the registration of the fourth respondent society and that the said society has deceived members of the public into believing that the fourth respondent is the first respondent. It is also alleged that donations have been received and that the public has been defrauded by adopting a name and style which is identical to that of the petitioner. The present writ petition is filed in these facts and circumstances.

3.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice for respondents 1 to 3 and Mr.Mohamed Riza, learned counsel, accepts notice for the fourth respondent. On instructions, Mr.K.S.Selva Ganesan submits that a decision has been taken to recommend the cancellation of the registration of the fourth respondent. The fourth respondent asserts that the said communication has not been served on him. In addition, the fourth respondent contends that any such decision should be preceded by an inquiry at which the fourth respondent should be provided a reasonable opportunity. It is clarified by the fourth respondent that Mr.S.Hyder Ali is the President and Mr.A.Maideen Farooq is the Vice President of the fourth respondent.

4.In light of the above submissions, W.P.(MD).No.19201 of 2021 is disposed of by directing the second respondent to consider and dispose of the petitioner's representation dated 28.06.2021 by a reasoned communication after providing a reasonable opportunity to the petitioner and the fourth respondent. Such reasoned communication shall be issued within a period of thirty (30) days from the date of receipt of a copy of this order. In addition, if the official respondents serve a copy of the communication dated



26.10.2021 on the fourth respondent, it will be open to the fourth respondent to challenge such order in accordance with law. However, there will be no order as to costs. Consequently, W.M.P (MD).Nos.15929 and 15930 of 2021 are closed.

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Sd/-

Assistant Registrar (T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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 Secretary,
State of Tamil Nadu,
Department of Commercial Taxes and Registration,
Fort St.George, Chennai 600 009.
- 2.The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 004.
- 3.The District Registrar of Societies of Palayamkottai
Collectorate Campus, Kokkirakulam,
Tirunelveli-627 009.

+1 CC to M/s.BFS LEGAL, Advocate (SR-33420[F] dated 01/11/2021)

+1 CC to M/s.SPL.GP (SR-33389[F] dated 01/11/2021)

W.P(MD) .No.19201 of 2021

and

W.M.P (MD) .Nos.15929 and 15930 of 2021

29.10.2021

ARK (CO)

RS/JGB (17.11.2021) 3P 6C