



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2234 of 2017 and

W.M.P. (MD)No.1852 of 2017

WEB COPY

The Roman Catholic Diocese of Tuticorin
Rep. By its Secretary S. Albert,
1/81 Ave Maria Park,
Panamparai Junction,
Sathankulam-628 704,
Thoothukudi District.

... Petitioner

Vs.

1. The Inspector General of Registration,
Department of Registration,
Santhome High Road,
Chennai -600 028

2. The District Registrar (Administration)
Palayamkottai,
Kokkirakuam,
Tirunelveli District-627 009.

3. The District Registrar,
Thoothukudi,
Thoothukudi District -628 003

4. The Tuticorin Diocesan Association
(Reg.No.1/1937-38 dated 14.04.1937)
Represented by its Procurator & Secretary
Bishop's House, G.C. Road,
Thoothukudi - 628 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the Impugned Order No.5893/Aa2/2016 dated 19.01.2017 of the 2nd Respondent and quash the same.

For Petitioner : Mr. J. David Ganesan

For R-1 to R-3 : Mr.K.S. Selvaganesan,
Additional Government Pleader.

For R-4 : Mr. FR.V. John Kennedy

* * *



O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

2. The writ petitioner was registered in the year 2016 under the provisions of the Tamil Nadu Societies Registration Act, 1975. The fourth respondent thereupon raised an objection before the second respondent that the name of the petitioner is identical with their name. Finding merit in the said objection, the impugned order dated 19.01.2017 came to be passed and the writ petitioner was directed to change their name. Questioning the said order, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition.

4. Per contra, the learned Additional Government Pleader appearing for respondents 1 to 3 as well as the learned counsel appearing for the fourth respondent submitted that the impugned order does not deserve to be interfered with.

5. I carefully considered the rival contentions and went through the materials on record.

6. Section 9 of the Tamil Nadu Societies Registration Act 1975 states that no society shall be registered by a name which, in the opinion of the Registrar, is undesirable. The explanation to the said provision is as under:-

" **Explanation**-For the purposes of this sub-section, the name of a society shall be deemed to be undesirable, if such name is-

- (a) Obscene or against decency and decorum ; or
- (b) likely to promote disharmony or feelings of enmity, or hatred or ill-will between different religious, racial, language, or regional groups or castes or communities ; or
- (c) identical with, or too nearly resembles, the name by which a society in existence has been previously registered."

7. Even a bare comparison of the name of the writ petitioner with the fourth respondent would lead one to come to the conclusion that the name of the writ petitioner is almost identical with the name of the fourth respondent. The fourth respondent is a society that is in existence since 1937 onwards. Therefore, the second respondent rightly came to the conclusion that the petitioner's name



will have to be necessarily changed. No case has been made out for interference. The second respondent has passed a proper order which contains good reasons. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

PMU

To:

1. The Inspector General of Registration,
Department of Registration,
Santhome High Road,
Chennai -600 028
2. The District Registrar (Administration)
Palayamkottai,
Kokkirakulam,
Tirunelveli District-627 009
3. The District Registrar,
Thoothukudi,
Thoothukudi District -628 003.

+1 CC to M/s.FATHER XAVIER ASSOCIATES, Advocate (SR-26010[F] dated 16/06/2022)

+1 CC to M/s.J. DAVID GANESAN, Advocate (SR-26093[F] dated 16/06/2022)

+1 CC to M/s.SPL.GP. (SR-26405[F] dated 17/06/2022)

W.P.(MD)No.2234 of 2017
15.06.2022

SS/07/07/2022/ 3P 7C