



WP No.32978 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-03-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.32978 of 2015

And

MP Nos.1 and 2 of 2015

Tamil Nadu Higher Secondary
Postgraduate Teachers Association,
Represented by its President,
V.Manivasan,
No.159, Gengu Reddy Salai,
Egmore,
Chennai-600 008.

.. Petitioner

VS.

1.The Inspector General of Registration,
Santhome High Road,
Chennai-600 004.

2.The District Registrar,
O/o.The District Registrar,
Salem West-636 001.

.. Respondents



WP No.32978 of 2015

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Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in letter No.61156/13/13, dated 11.08.2015, quash the same and consequently direct the first respondent herein to restore the petitioner-Society on to the Register of Societies.

For Petitioner : Ms.S.Suneetha

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate.

ORDER

The order impugned passed by the first respondent dated 11.08.2015, rejecting the representation of the writ petitioner-Association pursuant to the orders passed by this Court in WP No.4824 of 2015 dated 25.02.2015 is under challenge in the present writ petition.



WP No.32978 of 2015

2. The petitioner is the Tamil Nadu Higher Secondary Postgraduate Teachers Association, which was originally registered in the year 1980 and was assigned with the Registration No.160 of 1980 under the name “The Tamil Nadu Higher Secondary Postgraduate Assistants' Association”.

3. The grievance of the writ petitioner-Association is that despite the fact that they are functioning as an Association to protect the well being of the members, their registration has been cancelled by the Inspector General of Registration.

4. The impugned order was passed in an appeal preferred by the writ petitioner under Section 44 (5) of the Tamil Nadu Societies Registration Act, 1975. The proceedings of the District Registrar dated 16.06.2015 has been referred in the order impugned. However, the said order is neither under challenge nor produced before this Court.



5. The learned counsel for the petitioner-Association mainly contended that the petitioner has not been provided with adequate opportunity to defend their case and therefore, the order impugned is to be set aside.

6. The learned Government Advocate, appearing on behalf of the respondents, objected the contentions raised on behalf of the petitioner by stating that the statement of the President of the petitioner-Association was considered by the Inspector General of Registration and their contentions were recorded in the order impugned itself.

7. Perusal of the order impugned reveals that the grounds raised in the appeal has been elaborately considered by the Inspector General of Registration and a finding was made by stating that there are several contradictions in respect of the list of members produced by the writ petitioner-Association.



8. In the year 1993, the petitioner-Association have stated that the number of members were 42. However, during the direct enquiry, the petitioner has produced the list of members numbering to 3866. That apart, fraction group is also functioning independently and two State Presidents had conducted the General Body Meeting in different places.

9. When the petitioner-Association is functioning with fraction group, the genuinity of the petitioner-Association and its Office Bearers have also been questioned by the Authorities Competent. After conducting an enquiry, the Authorities Competent found that the petitioner-Association is not functioning in accordance with the provisions of the Tamil Nadu Societies Registration Act, 1975 and there are several contradictions and violations in their activities. More-so, the fraction group is also functioning and taking note of all these facts and circumstances, the name of the petitioner-Association has been deleted from the Register. Restoring the registration, if at all, is to be done and it must be done strictly in accordance with the Act and the Rules.



WP No.32978 of 2015

10. With the abovesaid observations, the writ petition stands

dismissed. However, there shall be no order as to costs. Consequently, the

connected miscellaneous petitions are also dismissed.

09-03-2023

Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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WP No.32978 of 2015

To

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WEB COPY



WP No.32978 of 2015

S.M.SUBRAMANIAM, J.

Svn

WP 32978 of 2015

09-03-2023