



W.A.No.1669 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1669 of 2023

1. V.Vimal Ravindra Raja
2. P.Srinivasan
3. V.Veluchamy
4. V.Durai Pandi
5. M.bismillah Khan .. Appellants

Vs.

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government
Department of Commercial Taxes and
Registration
Fort St. George
Chennai 600 009.
2. Inspector General of Registration
Department of Registration, Chits and
Societies
Santhome High Road
Pattinapakkam
Chennai.
3. R.Ravindranath

Page 1 of 7



W.A.No.1669 of 2023

WEB COPY

4. Victoria Edward Hall
(Reg No.16/1907-08)
Through its Secretary
32-B, West Veli Street
Madurai 625 001.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 25.05.2023 made in W.P.No.16016 of 2023.

For the Appellants	: Mr.S.Prabhakaran Senior Counsel For Mr.Conscious Ilango
For the Respondents	: Mr.T.Raman Laal Additional Advocate General Assisted by Mr.P.Muthukumar State Government Pleader & Mrs.R.Anitha Special Government Pleader for respondents 1 to 3

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.S.Prabhakaran, learned Senior Counsel for the appellants and Mr.T.Raman Laal, learned Additional Advocate General, assisted by Mr.P.Muthukumar, learned State Government



W.A.No.1669 of 2023

WEB COPY

Pleader and Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 to 3.

2. The appellants herein had filed W.P.No.16016 of 2023 challenging the enquiry notice dated 15.05.2023 and also for recalling the order in G.O.Ms.No.17 dated 01.03.2023.

3. The learned Single Judge of this Court, while disposing of the writ petition, set aside the notice dated 15.05.2023 and further observed that since the writ petitioners have already challenged G.O.Ms.No.17 dated 01.03.2023 by way of separate writ petitions and the same are pending consideration, the writ petitioners can work out their remedy in the pending writ petitions, if so advised.

4. Learned Senior Counsel for the appellants submits that the observation of the learned Single Judge that opportunity was already given to the appellants while issuing G.O.Ms.No.17 dated 01.03.2023 is erroneous. The opportunity may have been given to the erstwhile office bearers, but the same was not given to the



W.A.No.1669 of 2023

WEB COPY

incumbent present office bearers. This aspect has not been considered by the learned Single Judge.

5. According to learned Additional Advocate General for the respondents, the earlier office bearers and the incumbent office bearers are the same and as such, opportunity was already given to them and the learned Single Judge has rightly observed in paragraph 15 of the order.

6. The appellants have already filed a writ petition bearing No.9976 of 2023 challenging G.O.Ms.No.17 dated 01.03.2023. There is another writ petition filed purportedly by the Secretary at Madurai Bench bearing No.4834 of 2023 and the same is pending and it is submitted that orders are passed to tag both the writ petitions together.

7. In fact, the appellants ought not to have filed the instant writ petition inasmuch as their writ petition challenging G.O.Ms.No.17 dated 01.03.2023 is already pending before this



W.A.No.1669 of 2023

WEB COPY

Court and if any subsequent event takes place, the same could have been considered in the pending writ petition itself.

8. The learned Single Judge, while passing the impugned order, has set aside the enquiry notice dated 15.05.2023 and has further observed that the challenge to Government Order dated 01.03.2023 is pending consideration in W.P.No.9976 of 2023 and the writ petitioners can work out their remedy in the pending writ petition, if so advised. The contentions of the respective parties certainly will have to be considered by the Court dealing with the writ petition challenging G.O.Ms.No.17 dated 01.03.2023, on its own merits, considering the rival claims and pleadings.

9. The observation of the learned Single Judge, in paragraph 15, is only for the limited purpose while setting aside the notice dated 15.05.2023. The finding in paragraph 13 certainly cannot be said to be conclusive and final nor binding inasmuch as the learned Single Judge has left open the challenge to G.O.Ms.No.17 dated 01.03.2023 to be considered in pending writ petitions.

Page 5 of 7



W.A.No.1669 of 2023

WEB COPY

10. With the aforesaid observations, the writ appeal stands disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.14861 and 14862 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

11.07.2023

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

1. The Principal Secretary to Government
Department of Commercial Taxes and
Registration
Fort St. George
Chennai 600 009.

2. Inspector General of Registration
Department of Registration, Chits and
Societies
Santhome High Road
Pattinapakkam
Chennai.



WEB COPY



W.A.No.1669 of 2023

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKEVALU, J.

(kpl)

W.A.No.1669 of 2023

11.07.2023