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W.P.No.22647 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.10.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.22647 of 2022

P.Aruldoss

... Petitioner

Vs

1.The Registrar of Societies,
Central Chennai
268, Bharathi Salai, Express Estate,
Royapettah, Chennai-600 004.

2.The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai-600 004.

3.The Madras Bible League,
Rep. by its Secretary, having its registered office at
Zion Church Compound, Chintadripet,
Chennai-600 002.

4.The Redeemer Jesus Christ Church,
Rep. by its Secretary, Kovur, Kundrathur Road,
Chennai-600 128.

... Respondents

(R3 & R4 impleaded vide order dated 05.09.2023 made in
WMP.23489/2022 in WP.22647/2022 by this Court)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus to direct the respondents to consider the



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representation of the petitioner dated 24.03.2022 and 27.07.2022 and take appropriate steps under the provisions of the Tamil Nadu Societies Registration Act, 1975 as against the branch society "The Redeemer Jesus Christ Church", at Kovur, Kundrathur Road, Chennai-600 128.

For Petitioner : Mr.Ralph V.Manohar

For Respondents : Mr.P.Anandakumar (for R1 & R2)
Government Advocate

Mr.P.Satheesh Kumar (for R3 & R4)

ORDER

Heard Mr.Ralph V.Manohar, learned counsel for the petitioner, Mr.Anandakumar, learned Government Advocate for the official respondents being the Registrar of Societies and the Inspector General of Registration and Mr.Satheesh Kumar, learned counsel for the Madras Bible League and the Redeemer Jesus Christ Church, who are impleaded as R3 and R4.

2.The petitioner is an individual, who is a member of R4 Church for several years. He would allege that the functioning of R4 Church has not been in accordance with the bye-laws of the society and there have been various lacunae in its functioning including in the management of accounts. The allegations are serious in that he alleges that the Church offerings as well as



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other receipts of monies have not been accounted for in a proper manner.

Church elections have also, he would point out, not been conducted since 2018.

3.Paragraph 8 of the affidavit filed in support of the writ petition makes a disclosure in regard to the original suit in O.S.No.167 of 2021, that is pending before the District Munsif Court, Sriperumbudur. However, the petitioner would aver that the suit has been filed only as against the committee members of the society and this does not militate against the grant of prayer as sought for in the present writ petition.

4.Learned counsel for R4 circulates a copy of the plaint where, in addition to an injunction sought as against the defendants from restraining the Pastor from conducting peaceful prayer and other similar prayer, there is also a prayer seeking mandatory injunction directing the defendants to submit Income and Expenditure statement for four financial years.

5.Learned counsel who is appearing on behalf of the private respondents would thus submit that there is an overlap of the relief sought and that it is appropriate for the Civil Court to look into these issues in preference over the Registrar of Societies (ROC).

6.I disagree, as with regard to the verification of the financial affairs of R4 Church, it is the Registrar of Societies, as a statutory body, which is the appropriate authority to undertake a thorough scrutiny and verification of the



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financial of the society. The ROC will examine the allegations in regard to financial impropriety and arrive at conclusions as to whether (i) the accounts have been maintained in a proper fashion (ii) whether statutory returns have been filed in time and (iii) the receipts and expenditure are appropriate and accounted for properly.

7. Needless to say, other reliefs/prayers shall be considered by the Civil Court in accordance with law. Since all parties are before the Court now, petitioner as well as the authorised representatives of R4 and R5 are directed to appear before the Registrar of Societies without anticipating any notice in this regard on 31.10.2023 at 10.30 a.m. with all documents in support of their respective stands.

8. After hearing the parties, the Registrar of Societies shall pass an order on the representations of the petitioner dated 24.03.2022 and 27.07.2022 in accordance with law with all consequential steps being taken to correct irregularities, if any detected in the course of enquiry.

9. Let the parties be heard, written submissions be received and orders be passed within a period of twelve (12) weeks from 31.10.2023. The first respondent is at liberty to call for additional material or expand the scope of enquiry to include other members of the Parish or Committee Members, if he so thinks necessary.



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10.This writ petition is disposed in the above terms. No costs.

18.10.2023

Index : Yes / No

Speaking Order

Neutral Citation: Yes

vs

To

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2.The Inspector General of Registration,
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Dr.ANITA SUMANTH, J.

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