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W.P No.25524 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.25524 of 2023 and
W.M.P.No.24914 of 2023

J.Ramachandran
President,
TamilNadu Yadava Maha Sabai,
No.23/51, Agraharam Street,
Chindadripet,
Chennai-600 002.

...Petitioner

Vs.

1. The Inspector General of Regsitrations,
100, Santhome High Road,
Mullima Nagar,
Raja Annamalaipuram,
Chennai-600 028.

2. The District Registrar of Societies,
Central Chennai,
Royapettah,
Chennai-600 014.

3. S.P.Sivaperumal

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Certiorari, calling for the records pertaining to



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the unauthorized Proceedings of the 2nd Respondent namely The District Registrar of Societies, Central Chennai, 182, Bharthy Salai, Royapettah, Chennai-600 014 with respect to his Letter No.9820/E3/2023 dated 16.08.2023 so as to quash the same.

For Petitioner : Mr.N.Jothi, Senior Counsel,
for Mr.S.Vinod
For Respondents 1 & 2 : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The writ on hand has been instituted questioning the enquiry notice issued by the District Registrar in proceeding dated 16.08.2023.

2. The enquiry has been commenced, pursuant to the directions issued by this Court in W.P.No.7637 of 2023 vide order dated 07.07.2023 directing the first respondent/Inspector General of Registration to adjudicate the issues in accordance with the provisions of Act and Rules in force by conducting an enquiry and by affording opportunities to all the parties and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of copy of the said order.



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3. Accordingly, the Inspector General of Registration issued a personal enquiry notice in proceeding No.25889/II/2023 dated 14.08.2023. The said enquiry notice reveals that a reference has been made about the order passed by this Court in W.P.No.7637 of 2023. The said enquiry notice was re-communicated to the writ petitioner by the District Registrar(Administration), Central Chennai. However, the petitioner has not challenged the personal enquiry notice issued by the Inspector General of Registration in proceeding dated 14.08.2023, despite the fact that it was communicated to the Tamil Nadu Yadava Maha Sabai and Mr.S.P.Sivaperumal/Respondent No.3. Since the writ petitioner Mr.J.Ramachandran is the President of Tamilnadu Yadava Maha Sabai, the said notice was once again communicated by the District Registrar by addressing the writ petitioner Mr.J.Ramachandran. Re-communication was sent to ensure that the President of the association also should get an opportunity to participate in the process of personal enquiry to be conducted by the Inspector General of Registration as per the notice dated 14.08.2023.



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4. Admittedly, the notice sent for personal enquiry by the Inspector General was communicated to Tamil Nadu Yadava Maha Sabai represented by its President Mr.J.Ramachandran. Therefore, both the notices would be sufficient to comply with the principles of natural justice as it was addressed to the Association and through the District Registrar, it was addressed to the writ petitioner in his personal capacity.

5. The present writ petition has been filed only challenging the consequential information provided by the District Registrar in notice dated 16.08.2023, which was issued, pursuant to the notice issued by the Inspector General of Registration in letter dated 14.08.2023. The letter dated 14.08.2023 reveals that the Inspector General of Registration has communicated the notice only through the proper channel.

6. The learned counsel appearing on behalf of the writ petitioner mainly contended that the Inspector General of Registration is initiating steps to dispose of the matter without granting sufficient time to the writ



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petitioner. Adjourning the matter or granting further time is the decision to be taken by the authority competent, considering the nature of issues to be adjudicated and the necessity for granting adjournments.

7. It is needless to state that the authorities competent has to afford opportunities to all the parties to defend their case. However, unnecessary adjournments are to be avoided. Disposing of the case is the rule and adjournments are exceptions. Idea of the parties to prolong and protract the matter at no circumstances be permitted either by the Courts or by Quasi-Judicial authorities. The matters taken up for hearing are to be adjudicated by following the proceedings as contemplated and to be disposed of in the manner known to law. Therefore, the parties attempting to prolong or protract the issues are to be thwarted and never be permitted. This being the principles, the enquiry notice issued by the District Registrar pursuant to the notice dated 14.08.2023 issued by the Inspector General of Registration cannot be termed as perverse or infirm.



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8. No writ against an enquiry notice is entertainable, unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. In all other circumstances, the person receiving such notice is expected to participate in the process of enquiry and defend his case by submitting statements or documents, if any. Grounds raised on presumptions and assumptions at circumstances to be entertained and the authorities shall be allowed to complete the enquiry proceedings in the manner contemplated.

9. In the present case, the learned counsel for the petitioner states that the Inspector General of Registration proceeded with the enquiry in a hurried manner. Such an appreciation deserves no merit consideration, since the authority has to decide the manner in which the issues are to be adjudicated and this court cannot impose any condition for the purpose of conducting enquiry in consonance with the provisions of the Act or Rules.

10. The power of judicial review of the High Court under Article



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226 of Constitution of India is to ensure the processes through which a decision has been taken by the competent authority in consonance with statutes and rules in force, but not the decision itself. In the present case, the Inspector General of Registration has issued a notice for conducting an enquiry and such notice was issued to the writ petitioner admittedly through the District Registrar which is a proper channel. Thus, the petitioner is expected to participate in the process of enquiry and defend his case in the manner known to law.

11. With these observations, the Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes
Speaking Order

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To

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