



WEB COPY



W.P.No.27392 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27392 of 2023
and
W.M.P.Nos.26845 & 26846 of 2023

Bharathi Kalvi Nilayam,
a registered society,
represented by its Secretary,
Gandhi Nagar, Thammampatti,
Gangavalli Taluk, Salem District.

...Petitioner

Vs

1.The District Registrar
[Administration/Registrar of Societies],
Salem (East) Registration District,
Salem.

2.R.Bhaskaran

3.R.Kavitha

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
for issuance of a Writ of Certiorari, to call for the records culminated in the



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impugned order on the file of the first respondent in Na.Ka.No.4167/A2/2023 dated 07.08.2023 and quash the same as illegal, null and void, arbitrary, without any authority, without jurisdiction, ultra vires and not binding on the petitioner.

For Petitioner : Mr.K.S.Shangaramurali

For R1 : Mr.T. Arunkumar,
Additional Government Pleader.

ORDER

The inter-departmental communication in the nature of proposal submitted by the District Registrar [Administration], Salem (East) to the Inspector General of Registration, Chennai in proceedings dated 07.08.2023 is under challenge in the present writ petition.

2.The petitioner is Bharathi Kalvi Nilayam, a registered society under the provisions of the Tamil Nadu Societies Registration Act. Admittedly, the registration of the petitioner society has not been renewed and become defunct. That apart, recognition from the competent Educational authorities are also not obtained for running a Matriculation Higher Secondary School.



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Thus, both the registration as well as the recognition are not in force as of now in respect of the petitioner School.

3. Based on the complaint and pursuant to the directions issued by the High Court to consider the complaint given by the respondents 2 and 3, who all are the members of the petitioner society, an enquiry was conducted by the District Registrar, Salem (East) and the District Registrar through impugned proceedings dated 07.08.2023 recommended to the Inspector General of Registration to appoint a Special Officer under the provisions of the Tamil Nadu Societies Registration Act. The very proposal is under challenge in the present writ petition.

4. Inter-departmental communication or the proposal submitted by the District Registrar to the Inspector General of Registration would provide no cause to the petitioner to file a writ petition. The petitioner is at liberty to submit their objection before the Inspector General of Registration, if any, placing the facts for consideration. Contrarily no writ is entertainable since the impugned proposal is an inter-departmental communication and



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admittedly no final order has been passed on the proposal submitted by the

District Registrar, Salem (East).

5.The internal dispute between the petitioner and the respondents 2 and 3, who are the members of the petitioner Society is unconnected with the proposal submitted by the District Registrar. Once a complaint has been received regarding the illegality, the authorities are bound to conduct an enquiry and initiate appropriate actions under the provisions of the Act and Rules in force. In the present case, the petitioner School has not renewed their registration and the Society become defunct and more so, the recognition from the competent Educational authorities have not obtained and therefore, the School as of now is to be considered as an illegal entity. When the petitioner School is an illegal entity, the authorities competent are bound to protect the public interest since the children are studying in the School and their interest is to be protected. Therefore, the District Registrar submitted a proposal to the Inspector General of Registration and final order is yet to be passed.



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6.This being the factum, the petitioner has not established any cause for the purpose of entertaining the writ petition and consequently, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.09.2023

cse

Index:Yes

Speaking order

Neutral Citation:Yes/No

To

The District Registrar

[Administration/Registrar of Societies],

Salem (East) Registration District,

Salem.



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S.M.SUBRAMANIAM, J.

cse

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