



W.A.(MD)No.1221 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1221 of 2021

and

C.M.P.(MD)No.5143 of 2021

D.Devasahayam

... Appellant

Vs.

- 1.The Union of India,
Ministry of Corporate Affairs,
Represented by its Secretary,
Shastri Bhawan, Rajendra Prasad Road,
New Delhi-1.
- 2.The Registrar of Companies,
Chennai, Block No.6, B Wing 2nd Floor,
Shastri Bhawan 26, Haddows Road,
Chennai-34.
- 3.The District Registrar (Societies),
Mahal Road, Madurai-1.
- 4.Church of South India Trust Association,
CIN No.U93090TN1947NPL000346,
No.5, Whites Road, Royapettah,
Chennai-14.



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5.Church of South India (Unregistered Society),
No.5, Whites Road, Royapettah,
Chennai-14.

6.Madurai Ramnad Diocesan Management Association,
Through its Secretary,
AVH Building I Floor, 162, East Veli Street,
Madurai-1.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.7290 of 2021, dated 31.03.2021 on the file of this Court.

For Appellant	: Mr.T.Veerakumar
For R1 & R2	: Mr.S.Jeyasingh, Central Government Senior Panel Counsel
For R3	: Mr.S.Kameswaran, Government Advocate
For R4	: Mr.M.Amjadkhan, Senior Counsel

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

This Writ Appeal has been directed against the order dated 31.03.2021 passed in W.P.(MD)No.7290 of 2021.

2.The learned Single Judge considered the relief as such sought for in the Writ proceedings by the appellant. The relief sought for is to direct the



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Registrar of Companies, Chennai / 2nd respondent to take appropriate action against the Priests, Bishops and Moderators of the 5th respondent and who are all participating in the managing affairs by disposing of the petitioner's representation dated 07.02.2021 within stipulated time.

3.In respect of such disputed issues between the parties, mere direction to dispose of the representation would do no service to the cause of justice. The parties are to be relegated to approach the competent forum for the purpose of adjudication of such disputed issues in the manner known to law. The learned Single Judge declined to entertain the Writ Petition mainly on the ground that the relief sought for in the Writ proceedings is not entertainable under Article 226 of Constitution of India. That does not mean that the appellant is remediless.

4.The learned counsel appearing for the appellant pointed out a letter issued under Section 206(1) of the Companies Act, 2013, dated 25.02.2021. With reference to the said letter of the Company, the writ petitioner is entitled to workout his remedy in the manner known to law.



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5. With this liberty, the order of the learned Single Judge stands confirmed. Accordingly, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)

28.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

The District Registrar (Societies),
Mahal Road, Madurai-1.



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AND

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