



W.P.(MD)No.13937 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13937 of 2020

and

W.M.P.(MD).Nos.11595 and 11596 of 2020

V.Ramachandran

... Petitioner

Vs.

1.The District Registrar of Societies,
Office of the Registrar of Societies,
Periyakulam Taluk,
Theni District.

2.V.Subbiahan

3.A.Pandiyam

4.K.Ganesan

5.S.Ponnuchamy

6.S.Karikalan

7.S.Muniyandi

8.M.Pappa

9.V.Mani

10.A.Ramuthai

11.M.Govindaraj



W.P.(MD)No.13937 of 2020

12.A.Marichamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the entire records pertaining to the impugned certificate of registration of the non-existent Society vide serial No.5/2018 dated 22.01.2018 registered by the first respondent and quash the same as illegal in view of the bar of registration itself as mandated under Section 9(1)(c) of the Tamil Nadu Societies Registration Act, 1975.

For Petitioners : Mr.C.M.Arumugam

For R-1 : Ms.S.Jeyapriya
Government Advocate

For R-2 to R-10 : Mr.N.S.Karthikeyan
and R-12

For R-11 : No Appearance

ORDER

This Writ Petition has been filed challenging the registration of a society in the name of Allinagaram Devendhra Kula Velalar Uravinmurai Registered Society on 22.01.2018, on the ground that there was already a Society registered under the very same name in Serial No.151/2011 dated 03.08.2011.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Government Advocate appearing on behalf of the first respondent and the learned counsel appearing for the respondents 2 to 10 and 12.



W.P.(MD)No.13937 of 2020

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3. The main ground that has been raised by the petitioner, who claims to be a Member cum Deputy Treasurer of the Society is that in the year 2011, a Society was already named as Allinagaram Devendhira Kula Velalar Uravinmurai Registered Society and whereas, once again the same name has been assigned to another Society which is a bar under Section 9(1)(c) of the Tamil Nadu Societies Registration Act, 1975. In view of the same, the subsequent registration of the Society in the same name on 22.01.2018 has been put to challenge in this Writ Petition.

4. The contesting private respondents have questioned the very *locus standi* of the petitioner to maintain this Writ Petition, since according to them, there is no such post called as Deputy Treasurer in the existing Society. That apart, they have also questioned the maintainability of the Writ Petition on the ground that there is an appellate remedy available to the petitioner under the Societies Registration Act.

5. The learned Government Advocate appearing on behalf of the first respondent submitted that immediately after coming to know that the subsequent Society has also been assigned the same name, a notice has been issued calling for explanation and to change the name of the Society. A notice



W.P.(MD)No.13937 of 2020

dated 03.10.2020 that was issued to the second respondent who is the President of the Society, was placed before this Court.

6. Taking into consideration the facts and circumstances of the case and without going into the various issues that have been raised, it will suffice if a direction is issued to the first respondent to proceed further with the enquiry in ந.க.எண்.3655 / அ2 / 2020 dated 03.10.2020. After hearing all the interested parties, final order shall be passed on its own merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD)No.13937 of 2020

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The District Registrar of Societies,
Office of the Registrar of Societies,
Periyakulam Taluk,
Theni District.



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W.P.(MD)No.13937 of 2020

N.ANAND VENKATESH, J.

Nsr

W.P.(MD)No.13937 of 2020

19.12.2023