



WP(MD)No.13819 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

WMP(MD)Nos.9820, 9822 of 2022

AIBEA Nagar (Paravai) Residents' Welfare Association,
Rep. by its Secretary
K.Alagarsamy

... Petitioner

v.

1.The Inspector General of Registration,
No.100, Santhom High Road,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
Thiruvathavur Road, Ramakrishna Nagar,
Rajakambeeram, Madurai – 625 107.

3.The District Registrar (Administration),
Madurai North Registration District,
Thiruvathavur Road, Ramakarishna Nagar,
Rajakambeeram, Madurai – 625 107.

4.AIBEA Nagar (Paravai) B Colony Residents' Welfare Protection Society,
Rep. by its General Secretary
A.R.Ravi

... Respondents



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WEB COPY Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 3 to take immediate action based on the petitioner's representations dated 28.07.2021 and 14.09.2021 and cancel the registration made in favour of the fourth respondent in the closely resembling and similar name of the petitioner's association.

For Petitioner : Mr.R.Iyappan

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader
for R.1 to R.3

Mr.G.Prabhu Rajadurai
for R.4

ORDER

According to the petitioner, the Bank Employees' Trade Union Organisation have established a Nagar, namely, AIBEA [All India Bank Employees Association] Nagar at Paravai for the welfare of Bankers and have constructed houses in the year 1985-86. For the welfare of the residents, who



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have constructed houses in AIBEA Nagar, the petitioner association, namely, AIBEA Nagar (Paravai) Residents' Welfare, was established in the year 1989 and it was duly registered on 03.02.1999 as Registration No.20/1999.

2.The petitioner claims that this association is still in existence and they are duly filing the returns, audit reports regularly before the Registrar of Societies. While so, adjacent to AIBEA Nagar, several residential houses were established claiming that they are also part of AIBEA Nagar and also registered their documents as AIBEA Nagar. Now those builders, who have constructed houses adjacent to AIBEA Nagar, have formed an association as AIBEA Nagar (Paravai) B Colony Residents' Welfare Protection Society. The Registrar of Societies, without looking into the provisions available under the Registration Act, particularly Section 9(1)(c) of the Tamil Nadu Societies Registration Act, has registered the fourth respondent Society as a residents' society, while the petitioner association, with the same name, was registered as early as in the year 1999.



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3.Learned Counsel for the petitioner submitted that the fourth respondent association was registered on 09.09.2020 as Registration No. 97/2020. Therefore, the petitioner, by referring the provisions, has submitted a representation before the official respondents on 28.07.2021 and 14.09.2021 requesting them to cancel the registration made in favour of the fourth respondent. The respondents 1 to 3 have not considered the representation of the petitioner and therefore, they have filed this writ petition.

4.Upon notice issued by this Court, the fourth respondent has entered appearance and the learned Counsel representing the fourth respondent submitted that they are also forming part of AIBEA Nagar and they are residing in the B Block. Therefore, they have started AIBEA Nagar (Paravai) B Colony Residents' Welfare Protection Society and it cannot be termed as similar to that of the petitioner association.

5.Learned Special Government Pleader appearing for the respondents 1 to 3 submitted that in view of the pendency of this writ petition, they have not taken any decision on the petitioner's representations.



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6.This Court considered the rival submissions made on either side and perused the available materials.

7.The case of the petitioner is that the Bank Employees' Trade Union has established AIBEA Nagar at Paravai in the year 1985 for the Bankers and for the welfare of the residents of that Nagar, they have also started AIBEA Nagar (Paravai) Residents' Welfare Association in the year 1999 and registered the same in No.20/1999. It is the further case of the petitioner that the residents of the fourth respondent association are not bank employees, however, they have constructed houses in the lands adjacent to AIBEA Nagar. Now, they are claiming that they also form part and parcel of AIBEA Nagar and they have also registered a Society in the name of AIBEA Nagar (Paravai) B Colony Residents' Welfare Protection Society.

8.On a plain view, the names of both associations look similar. This would certainly create a confusion and it would be against the conditions given under Section 9(1)(c) of the Tamil Nadu Societies Registration Act.



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Therefore, this writ petition is disposed of with a direction to the third respondent to conduct an enquiry with regard to the same, based on the petitioner's representations dated 28.07.2021 and 14.09.2021 and to take appropriate action, after providing due opportunity of hearing to the petitioner and the fourth respondent, within a period of eight weeks from the date of receipt of a copy of this order.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
gk

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To

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B.PUGALENDHI, J.

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