



WP(MD)Nos.6878 of 2014 & 13821 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

WP.(MD).Nos.6878 of 2014 and 13821 of 2015 and  
MP(MD) No.1 of 2014 & 1 of 2015

WP.(MD).Nos.6878 of 2014:

Tamil Nadu Higher Secondary Post Graduate  
Teachers Association (TNHSPGTA),  
Rep by its General Secretary,  
R.Ilangovan

... Petitioner

Vs

1.The Inspector General Of Registration,  
O/o The Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai 600 028,  
Tamil Nadu.

2.The District Registrar of Societies,  
O/o.District Registrar (Administration)  
Salem West,  
Salem District,  
Salem.



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3.The District Registrar,,  
O/o.District Registrar (Administration)  
Sivagangai District,  
Sivagangai.

4.V.Manivasagan

...Respondents

WP.(MD).Nos.13821 of 2015:

Tamil Nadu Higher Secondary Post Graduate  
Teachers Association (TNHSPGTA),  
Rep by its General Secretary,  
R.Ilangovan

... Petitioner

Vs

1.The District Registrar,  
O/o. District Registrar (Administration)  
Sivagangai District,  
Sivagangai.

2.The District Registrar of Societies,  
O/o. District Registrar (Administration)  
Salem West,  
Salem District,  
Salem.

3.Tamil Nadu Higher Secondary Post Graduate  
Teachers Association,  
Reg.No.160/1980,  
Rep by its President,



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V.Manivasagam

... Respondents

(R3 impleaded vide Court order made in WMP(MD) No.4855 of 2016 in WP(MD) No.13821 of 2015, dated 12.10.2020 by SVNJ)

**Prayer WP(MD)No.6878 of 2014:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent No.1 to 3 to take action against respondent No.4 under section 46, 47 and 48 of Chapter V of the Tamil Nadu Societies Registration Act of 1975 and consequently forbear the Respondent No.4 from using the Petitioners Associations Name Tamil Nadu Higher Secondary Post Graduate Teachers Association within the time Frame Stipulated by this Court.

**Prayer WP(MD)No.13821 of 2015:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Na.Ka.No.3960/A2/2014 dated 09.07.2015 issued by the respondent No.1 and quasht he same as illegal.

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.T.Lajapathi Roy                              |
| For R1 to R3   | : Mr.M.Ramesh<br>Government Advocate              |
| For R4         | : Mr.Mohamed Imran<br>(In WP(MD)No.6878 of 2014 ) |
| For Petitioner | : Mr.T.Lajapathi Roy                              |
| For R1 & R2    | : Mr.M.Ramesh<br>Government Advocate              |
| For R3         | : Mr.Mohamed Imran<br>(In WP(MD)No.13821 of 2015) |



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## **COMMON ORDER**

The petitioner in both the writ petitions is the General Secretary of Tamil Nadu Higher Secondary Post Graduate Teachers Association. This Association was established in the year 2012 and registered under the Tamil Nadu Societies Registration Act, 1975 bearing Registration No.63/2012. At that time, with a similar name, another Association, namely, the Tamil Nadu Higher Secondary Post Graduate Assistants Association was also in existence, which was established in the year 1980. By referring to the name of other Association, the District Registrar (Administration), Sivagangai District, by the order impugned in W.P.(MD)No.13821 of 2015 dated 09.07.2015, directed the petitioner to change the name of its Association as per Section 9(1)(C) of the Registration Act as the name of the petitioner's association is similar with the name of other association. As against the same, the petitioner has filed W.P.(MD)No. 13821 of 2015.



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2. The petitioner has also filed another writ petition in W.P. (MD)No.6878 of 2014 for a mandamus, directing the respondents 1 to 3 to take action against the 4<sup>th</sup> respondent under Sections 46, 47 and 48 of Chapter V of the Tamil Nadu Societies Registration Act, 1975 and consequently, forbear the 4<sup>th</sup> respondent from using the petitioner Association's name, i.e. Tamil Nadu Higher Secondary Post Graduate Teachers Association.

3. The case of the petitioner is that the Tamil Nadu Higher Secondary Post Graduate Assistants Association, which had become defunct, is now using the petitioner Association's name and therefore, he has sought for a mandamus for an appropriate action as against the fourth respondent.

4. When these writ petitions are taken up for hearing, the



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learned Senior Counsel appearing for the petitioner submits that the petitioner was directed to change his Association name by referring to the existence of another association from the year 1980 in the name of Tamil Nadu Higher Secondary Post Graduate Assistants Association. However, the Tamil Nadu Higher Secondary Post Graduate Assistants Association had become defunct. As against the same, the Tamil Nadu Higher Secondary Post Graduate Assistants Association has preferred an appeal under Section 44(5) of the Registration Act before the Inspector General of Registration, which was dismissed by order dated 11.08.2015. Challenging the same, they have preferred a writ petition in W.P.(MD)No.32978 of 2015, which was also dismissed by order dated 09.03.2023. Therefore, the cause of action for passing this impugned order as on date is not in existence and there is no other similar Association in the name of the petitioner's Association and the District Registrar can reconsider the impugned order. Hence, he requests this Court to dispose of these writ petitions remanding the



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matter back to the District Registrar for a fresh consideration in the light of the subsequent developments.

5.The learned Special Government Pleader on earlier occasion requested short accommodation to ascertain the present condition and to report. Therefore, this Court by order dated 17.10.2023 provided an opportunity and posted this writ petition today.

6.The learned counsel for the fourth respondent now represents that he is not in a position to get instructions from the fourth respondent.

7.Considering the fact that appeal preferred by the fourth respondent under Section 44(5) of the Registration Act, 1908 before the Inspector General of Registration as against the order declaring the fourth respondent Association as defunct was dismissed and



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challenging the above order writ petition filed in W.P.(MD)No.32978 of 2015 was also dismissed by this Court in order dated 09.03.2023, therefore, the order of the Inspector General of Registration, declaring the fourth respondent as defunct has become final. Therefore, there cannot be an impediment for the first respondent to re-consider the representation of the petitioner.

8. Accordingly, these writ petitions are disposed of and the matter is remitted back to the first respondent for fresh consideration. The first respondent shall consider the case of the petitioner afresh and pass orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

**19.10.2023**

NCC : Yes / No.  
Index : Yes / No.  
Internet : Yes



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vrn

To

- 1.The Inspector General Of Registration,  
O/o The Inspector General of Registration,  
No.100, Santhome High Road,  
Chennai 600 028,  
Tamil Nadu.
- 2.The District Registrar of Societies,  
O/o.District Registrar (Administration)  
Salem West,  
Salem District,  
Salem.
- 3.The District Registrar,,  
O/o.District Registrar (Administration)  
Sivagangai District,  
Sivagangai.



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**B.PUGALENDHI, J.**

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**Common Order made in**  
**WP.(MD).Nos.6878 of 2014 and 13821 of 2015 and**  
**MP(MD) No.1 of 2014 & 1 of 2015**

**19.10.2023**