

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.24645 of 2022

and

W.M.P.(MD)No.18744 of 2022

M.Udhaya Singh
S/o.Mohan,
Reporter (Dina Angal),
No.1078-1, Selvavinayagar Koil Street,
Yagappa Nagar, Madurai District.

... Petitioner

Vs.

1. The Inspector General of Registration,
Secretariat, Chennai.
2. The District Registrar,
Madurai North, Madurai.
3. Madurai Seithiyalargal Sangam,
Represented by its Secretary,
A Registered Society, (Registration No.198/1995),
No.71, Press Colony,
Mattuthavani, Madurai.

... Respondents

(R3 is impleaded vide Court order dated
21.11.2022 in W.M.P.(MD)No.19958 of 2022 in
W.P.(MD)No.24645 of 2022 by VBSJ)

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the second respondent to register the Association in the name and style of "மதுரை செய்தியாளர்கள் சங்கம்" under the Tamil Nadu Societies Registration Act, 1975 on the basis of the application given by the petitioner dated 02.03.2022.

For Petitioner : Mr.K.Mani
For Respondent : Mr.M.Prakash
Addl. Govt. Pleader for R1 and R2
Mr.S.Srinivasa Raghavan for R3

ORDER

This Writ Petition has been filed in the nature of mandamus seeking direction to the second respondent / the District Registrar, Madurai North, Madurai, to register the Association in the name and style of 'Madurai Seithiyalargal Sangam' under the Tamil Nadu Societies Registration Act, 1975, based on an application given by the petitioner dated 02.03.2022.

2. At the time, when the Writ Petition was filed, there were only two respondents, namely, the Inspector General of Registration, Secretariat at Chennai and the District Registrar, Madurai North at Madurai. Subsequently, W.M.P.(MD)No.19958 of 2022 had been filed and by an order, dated 21.11.2022, the third respondent, Madurai Seithiyalargal Sangam, a Registered Society, (Registration No.198/1995), Madurai, had been impleaded.

3. In the affidavit filed in support of the Writ Petition, the writ petitioner, M.Udhaya Singh, claiming to be Reporter of Dina Anjal, had stated that he had made an application before the second respondent on 02.03.2022 to register an Association in the name and style of 'Madurai Seithiyalargal Sangam' under the provisions of the Tamil Nadu Societies Registration Act, 1975. The said application was returned by the second respondent on 07.03.2022 on the ground that there was already an Association registered in the same name bearing Registration No.198 of 1995. The return was under Section 9(1)(c) of the Tamil Nadu Societies Registration Act, 1975. The petitioner, however, was very resilient. He then

applied under the Right to Information Act about the said registered Society, 'Madurai Seithiyalargal Sangam'. He received information that the Society actually registered under Registration No.198 of 1995 was 'Madurai Reporters Guild'. Therefore, claiming that there could not be any impediment to register the Society in the name of 'Madurai Seithiyalargal Sangam', the Writ Petition had been filed.

4. The third respondent in their affidavit, however, stated that they had filed an application in the year 2013 to change their name from 'Madurai Reporters Guild' to 'Madurai Seithiyalargal Sangam'. It had been stated that their application is still pending.

5. Heard the learned counsel for the petitioner, the learned Additional Government Pleader for the respondents 1 and 2 and also the learned counsel for the third respondent.

6. The only issue is whether the petitioner can press forward his application for registration of the Society in the name of 'Madurai

Seithiyalargal Sangam'. The application had been returned on the ground that there is already a Society registered under the same name and Registration No.198 of 1995. Based on information received under the Right to Information Act, the petitioner claims that the Society in Registration No.198 of 1995 is actually 'Madurai Reporters Guild'.

7. The third respondent, however, claim that they have filed an application in the year 2013 to change their name, 'Madurai Reporters Guild' to 'Madurai Seithiyalargal Sangam'.

8. The issue of non-registration of Society by the petitioner, is an appealable issue.

9. The Tamil Nadu Societies Registration Act, 1975 itself provides a right to appeal, if there is a refusal to register a Society. The reasons can be examined only by an Appellate Authority. This provision is provided under Section 45 of the Tamil Nadu Societies Registration Act.

10. As per Section 45(1)(a) of the Act, any person aggrieved by an order refusing to register a society, can prefer an appeal before the Inspector General of Registration, namely, the first respondent herein.

11. Rule 38 of the Tamil Nadu Societies Registration Rules, 1978 is as follows:

"38. Time for preferring appeals - The appeals under sub-sections (1) and (2) of Section 45 shall be preferred within two months from the date of the order against which the appeal is made."

12. This Rule provides that time period for filing an appeal shall be two months.

13. The petitioner had given an application for registration on 02.03.2022 and it was returned on 07.03.2022. The Writ Petition was filed only on 27.10.2022, by any mathematical calculation beyond the period of two months. However, let me not be put the issue on limitation against the petitioner herein. If the petitioner files an appeal before the first respondent on or before **07.04.2023**, then, the first respondent may take up the appeal of

the petitioner herein and adjudicate the same, of course after issuing notice to the Society, which had been registered under Registration No.198 of 1995 be it 'Madurai Reporters Guild' or 'Madurai Seithiyalargal Sangam'. The Appellate Authority may, examine all issues and thereafter, pass orders.

14. Since the petitioner, as on date, has not yet filed an appeal, it may not be appropriate to my part to fix the time period. I am confident that the appeal will be decided within a reasonable period after notice is issued to the Madurai Reporters Guild / Madurai Seithiyalargal Sangam / Registration No.198 of 1995.

15. This Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

20.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
vji

To

1. The Inspector General of Registration,
Secretariat,
Chennai.
2. The District Registrar,
Madurai North,
Madurai.
3. The Secretary,
Madurai Seithiyalargal Sangam,
A Registered Society, (Registration No.198/1995),
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