



W.P.No.26083 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.26083 of 2021
& WMP.Nos.27529 & 27530 of 2021**

Indian Veterinary Association,
Rep by its President,
(Reg.No.S/2093/2019),
H.O.B8/1A, Ramesh Nagar,
Double Storey,
New Delhi – 110 015.

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep by its Principal Secretary,
Commercial Taxes and Registration (MI) Department,
Fort St.George, Chennai – 600 009.

2.Government of Tamil Nadu,
Rep by its Additional Chief Secretary,
Animal Husbandry, Dairying Fisheries -
- and Fisherman Welfare (AH3) Department,
Fort St.George, Chennai – 600 009.

3.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 28.



W.P.No.26083 of 2021

4.The District Registrar (AIG Cadre),
O/o. District Registrar (Admin),
Chennai Central,
Chennai – 600 014.

5.Indian Veterinary Association (Defunct),
Dr.Chirantan Kadian as rep by President,
(Reg. No.96/1967),
Nandanam,
Chennai – 600 035.

6.The Branch Manager,
State Bank of India,
Nandanam Branch,
Chennai.

... Respondents

(6th respondent is impleaded vide
order of this Court dated
16.08.2024 in WMP/29869/2021
in WP/26083/2021)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus calling for the records of the 1st respondent in G.O.(Rt.)No.92, dated 26.02.2021 and the consequential order of the 2nd respondent Letter No.2270/AH3-2/2020-7 dated 25.10.2021 and quash the same and consequently direct the respondents to declare the 5th respondent society as defunct and struck off from under the provisions of the Tamil Nadu Societies Registration Act, 1975 and accordingly declare the petitioner society as the one and only the Indian Veterinary Association.



W.P.No.26083 of 2021

For Petitioner : M/s.A.Pramila
For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader
for RR1 to 4
Mr.Avinash Wadhwani
for M/s.V.Srimathi for R5
M/s.M.L.Ganesh for R6

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in G.o(Rt.) No.92 dated 26.02.2021 and the consequential order of the 2nd respondent Letter No.2270/AH3-2/2020-7, dated 25.01.2021 and quash the same and consequently direct the respondents to declare the 5th respondent society as defunct and struck off the same under the provisions of the Tamil Nadu Societies Registration Act, 1975 and accordingly declare the petitioner society as the only Indian Veterinary Association.

2.It is the case of the petitioner that originally a society was formed in the name and style of Indian Veterinary Association in the year 1967 under the Central Enactment of 1860 vide registration No.96.



W.P.No.26083 of 2021

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Subsequently the said society registered in the year 1967 was deemed to have been registered under the Tamil Nadu Societies Registration Act, 1975. Initially the society was functioning with a list of members as well as the accounts were submitted to the jurisdictional register periodically. However, from the year 1983-1984, the then Executive Committee of the association, did not submit the mandatory documents to the Register of the Societies. It is further submitted that since the members of the society consisted of the Veterinarians all over the country and there was a lot of liasoning work with the Central Government, it was found desirous to shift the head Quarters from Chennai to the National Capital Delhi.

3.Since as stated above from the year 1982-1984 the requisite Documents had not been submitted to the Register of the Societies despite the fact the periodical elections were being held and the society was functional, a decision was taken by the society in the year 2017 to register a fresh society under the Central Enactment, 1860 and subsequently, the petitioner society was registered at New Delhi in Reg.No.S/2093/2019 in



4.As soon as the petitioner society was registered, a general body meeting was called for in September 2019 and the General Body resolved to dissolve the erstwhile society of the year 1967. Accordingly, the said resolution was passed and the said resolution was also duly communicated to the jurisdictional register at Chennai bringing to its notice that the registration of the society of the year 1967 has been duly dissolved. Therefore, the petitioner society was under the bonafide impression that the erstwhile society ceased to exist.

5.However, to the shock and surprise of the petitioner society, it came to light that a small section of the Veterinarians numbering about 25 to 50 members formed an Ad-hoc Committee calling themselves as “Pashu Chikitsak Mahsasanga”, the fifth respondent society herein and called for a meeting on 30.03.2019 and resolved to restore the old society of the year 1967 and further resolved to submit the documents which had not been



W.P.No.26083 of 2021

submitted from the year 1983 onwards.

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6.It is the further case of the petitioner that none of the Executive members of the fifth respondent society were the Executive Members of the erstwhile society in as much as all the erstwhile Executive Members of the 1967 society are present members of the petitioner society. However, the registrar of society, based on the annual statements and Form VI submitted by the fifth respondent society from the year 1983-84 to 2017-18 condoned the delay in presenting them and issued the impugned Government Order, dated 26.02.2021 exempting the 5th respondent from the provisions of the Rules 22 and 17(2) of the Tamil Nadu Societies Registration Rules, 1978. Challenging the same, the petitioner has filed the present writ petition.

7.Heard both sides and perused the materials placed on record.

8.The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the petitioner herein have also filed



W.P.No.26083 of 2021

WEB COPY

O.S.No.5548 of 2021 before the XV Assistant City Civil Court, Chennai
against the fifth respondent society, to declare the later as defunct.

9.The learned counsel for the sixth respondent Bank would submit that the fifth respondent society is functioning since 1967. However, petitioner society was formed only in the year 2019 and further, that the fifth respondent society is maintaining its account with the sixth respondent Bank.

10.When a civil suit has already been filed seeking for the same prayer, there is no necessity to entertain the present Writ Petition and accordingly, the same stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

16.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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W.P.No.26083 of 2021

M.DHANDAPANI, J.

Tsg

To

- 1.The Principal Secretary,
Commercial Taxes and Registration (MI) Department,
Fort St.George, Chennai – 600 009.
- 2.The Additional Chief Secretary,
Animal Husbandry, Dairying Fisheries -
- and Fisherman Welfare (AH3) Department,
Fort St.George, Chennai – 600 009.
- 3.The Inspector General of Registration,
No.100, Santhome High Road,
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- 4.The District Registrar (AIG Cadre),
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W.P.No.26083 of 2021

16.08.2024