



WEB COPY



W.P.No.28075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28075 of 2024

and

W.M.P.Nos.30625, 30626 & 30628 of 2024

1.Godwin Marlon Brewart
2.Philip Connors

... Petitioners

Vs.

1.Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2.The District Registrar,
District Registrar's Office,
Stone House Hill,
Udhagamandalam,
Nilgiris District – 643 002.

3.St. George Homes Society,
Represented by its Secretary,
Reg. No.1/1914,
Ketti, Nilgiri – 643 215.

4.Jennifer Grubb,
Treasurer,
St. George Homes Society,
Ketti, Nilgiris – 643 215.



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5.St. George's Homes Society Trustees,
Represented by the President in Chief,
All India Anglo India Association
N-74, Bombay Life Buildings,
Connaught Circus, Delhi, India.

6.Anglo India Association Mysuru Branch,
Rep. by its President,
No.2037/9th Cross 1st Stage,
Rajiv Nagar, Mysuru – 570 019.

7.Ashok.E Joseph
Member,
St. George Homes Society,
Allampally Estate,
Pasuppara P.O.,
Idukki, Kerala,
Pin code – 685 501.

8.Ivan Enos,
Member,
St. George Homes Society,
Ketti, Nilgiris – 643 215.

9.Judaline Enos,
Member,
St. George Homes Society,
Ketti, Nilgiris – 643 215.

10.Tamaline Swyney,
Member,
St. George Homes Society,
Ketti, Nilgiris – 643 215.

11.Catharine Swyney,
Member,
St. George Homes Society,
Ketti, Nilgiris – 643 215.



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12.Glorinasmith Vivek,
Member,
St. George Homes Society,
Ketti, Nilgiris – 643 215.

13.Angela Paul,
Member,
St. George Homes Society,
Ketti, Nilgiris – 643 215.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India
pleased to issue a Writ of Certiorari, calling for entire records pertaining
to the order in Ref.Na.Ka.No.2689/Aa2/2022, dated 29.02.2024 passed
by the 2nd respondent and quash the same as illegal, violative and against
the byelaws of the 3rd respondent society as approved under the Society
Registration Act, 1975.

For Petitioners : Mr.K.Mohanamurali

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader [R1 & R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari,
to call for entire records pertaining to the order in
Ref.Na.Ka.No.2689/Aa2/2022, dated 29.02.2024 passed by the 2nd
respondent and quash the same as illegal, violative and against the



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byelaws of the 3rd respondent society as approved under the Society Registration Act, 1975.

2. Since no adverse order has been passed against the respondents 2 to 13, notice to the respondents 2 to 13 is dispensed with.

3. Mr.T.Chezhiyan, learned Additional Government Pleader, accepts notice on behalf of the respondents 1 and 2. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioners is that, they are former student of the Laidlaw Memorial School run by the St. George's Homes Society, Ketti. They are the members of the Anglo-Indian Community, which is recognized as a minority group within the State of Tamil Nadu and throughout India and now, the population of the Anglo-Indians in India is estimated to be approximately 1,75,000. The 3rd respondent was registered under XXI Societies Registration Act, 1860 in February, 1914 and the 3rd respondent owns about 224 acres of land, which was gifted to the society by the then Governor Lord Pentland in the year 1916 and



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thereafter, a school by name St. George's Homes Society and orphanage was also built by a grant by the Madras Presidency and later converted into a boarding school for Anglo Indian community across the country. The 3rd respondent society operates under the governing document titled “St.George's Homes, Ketti – Memorandum of Association and By-Laws of the Society. The petitioners decided to become a member of the 3rd respondent, accordingly, they made application on 09.03.2023 and also sent another representation dated 30.06.2023, however, the same was not considered by the 3rd respondent and they were orally informed that admission to the society was temporarily withheld because of a letter written with regard to membership to the society by 6th respondent, who is under the control and functioning under the 5th respondent vide letter dated 16.12.2022 addressed to the 2nd respondent and an enquiry is pending in this regard. Thereafter, 3rd respondent submitted a statement to the 2nd respondent dated 21.01.2023 in the subject matter, pursuant to which, one of the Board Members (Executive Committee) Mt.Michael Hawkes wrote a letter dated 09.02.2023 to the District Registrar stating that the statement filed by the 3rd respondent that there was gross misrepresentation of the facts and the information that has also been given about what transpired at the board meeting held on the 14th January 2023



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is factually incorrect and urged the DR to give time to represent the matter in person. However, 2nd respondent passed the impugned order dated 29.02.2024. Challenging the same, the petitioner has filed this Writ Petition before this court for appropriate orders.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the materials available on record.

6. Though very many grounds have been raised by the learned counsel for the petitioners at the time of arguments, when this Court expressed its opinion, that there is an effective appeal remedy as against the impugned order passed by the 2nd respondent, the learned counsel for the petitioners restricted his prayer and sought permission of this Court to workout the remedy in the manner known to law.

7. In view of the aforesaid stand taken by the learned counsel for the petitioners, this Court, without interfering with the impugned order, grants liberty to the petitioners to workout their remedy in the manner known to law.



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8. Accordingly, this writ petition is disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

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(2/2)

Index : Yes / No

Speaking order / Non-speaking order

NCC:Yes/No

sp

To

1. Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai – 600 028.

2. The District Registrar,
District Registrar's Office,
Stone House Hill,
Udhagamandalam,
Nilgiris District – 643 002.



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M.DHANDAPANI, J.

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W.M.P.No.30624 of 2024

in

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M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of separate Court fee, within a period of two weeks, from the date of receipt of a copy of this order, failing which this order shall be applicable only to the first petitioner.

23.09.2024

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