



W.P.No.39356 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.39356 of 2024
and W.M.P.No.42629 of 2024

Coimbatore Gengadiga
Okkelegar Mahajana Dharma
Paripalana Saba
Door No. 176, VRK Lane, MNG Street,
Coimbatore-641001
Represented by N. Shanmugam
Secretary

... Petitioner

vs.

1.The Secretary to Government
Government of Tamilnadu,
(Registration Department)
Fort St.George, Chennai-600 001

2.The District Registrar
Coimbatore North
Coimbatore-641001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to pass an order on petitioner appeal under Section 44(5) and Section 45 of Societies Registration Act, 1975 dated 12.12.2022.

For Petitioner : M/s.Sudharshana Sunder

For Respondents : Mr.M.Shahjahan
Special Government Pleader



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ORDER

WEB COPY By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The Writ Petition is filed seeking a direction to the 1st respondent to pass orders on the appeal filed by the petitioner under Sections 44(5) and 45 of the Tamil Nadu Societies Registration Act, 1975, dated 12.12.2022.

3. The petitioner is the Society originally registered under the Tamil Nadu Societies Registration Act, 1975. Owing to the failure of the petitioner's Society to submit necessary forms as per the statutory mandate, registration of petitioner's Society was cancelled by 2nd respondent in the year 2007. After acquiring knowledge about the consequence of failure to file mandatory forms before the Registrar, the petitioner filed an appeal for renewal of the Society's registration before the District Registrar, Coimbatore North on 11.04.2022. The same was rejected on 25.05.2022 on the ground that the appeal filed by the petitioner could not be considered unless Government grant exemption from limitation. Therefore, the



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petitioner filed an application/appeal before the 1st respondent on 12.12.2022 seeking condonation of delay in filing an appeal before the 2nd respondent seeking revocation of the cancellation order. The said application has not been considered by the 1st respondent. Therefore, the petitioner has come before this Court.

4. Mr.M.Shahjahan, learned Special Government Pleader, who is taking notice for the respondents would submit that the application/appeal said to have been filed by the petitioner before the 1st respondent under Sections 44(5) and 45 of the Tamil Nadu Societies Registration Act, 1975 and the similar appeal filed by the petitioner before the 2nd respondent was already rejected. Therefore, the application/appeal filed by the petitioner dated 12.12.2022 cannot be considered.

5. After rejection of the appeal filed by the petitioner before the 2nd respondent, the petitioner filed an application/appeal dated 12.12.2022 before the 1st respondent seeking exemption from the provisions of the Act and the Rules for filing an appeal before the 2nd respondent.



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6. Though the petitioner quoted the provisions of law as Sections 44(5) and 45 of the Tamil Nadu Societies Registration Act, 1975, the same shall be considered as the application filed by the petitioner under Section 54 of the Tamil Nadu Societies Registration Act, 1975, seeking exemption from the Government.

7. It is well settled law that quoting of wrong provision of law is not a ground to reject the prayer. Therefore, this Court is inclined to direct the 1st respondent to consider the application filed by the petitioner dated 12.12.2022 as the one filed under Section 54 of the Tamil Nadu Societies Registration Act, 1975 and dispose of the same in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

8. The learned Special Government Pleader appearing for the respondents would submit that the application of the petitioner said to have been filed before the 1st respondent on 12.12.2022 and hence, the petitioner may be directed to submit a fresh copy of the application before the 1st respondent.



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9. Therefore, the petitioner is directed to submit a fresh copy of application dated 12.12.2022 before the 1st respondent, within a period of two weeks from the date of receipt of copy of this order. The 1st respondent shall consider the same and pass final orders, within a period of eight weeks from the date of submission of the copy of fresh application by the petitioner.

10. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

21.12.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. The Secretary to Government
Government of Tamilnadu,
(Registration Department)
Fort St. George, Chennai-600 001.

2. The District Registrar
Coimbatore North,
Coimbatore-641001.



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S.SOUNTHAR, J.

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