



W.P(MD)No.12749 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.12749 of 2019

and

W.M.P(MD)No.9489 of 2019

Muslim Pothu Jamath Thiruparankundram,
Registration No.181/2018,
A Registered Society,
Represented by its President,
M.Raja Mohamed

... Petitioner

Vs

- 1.The Inspector General of Registration,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Y.Othakadai,
Madurai – 625 107.
- 3.The Registrar of Societies,
Madurai South,
Madurai - 625 001.
- 4.Thiruparankundram Muslim Pothu Jamath,
(Registration No.187 of 1996),
Represented by its Secretary,
M.Syed Mummasha.
- 5.M.Syed Mummasha
- 6.A.Saleem Mohamed
- 7.S.Shajahan
- 8.M.Sadiq
- 9.A.Golden Babu
- 10.A.Abuthahir
- 11.K.Syed Batcha
- 12.P.Mohideen



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13.A.Basheer Ahamed

14.K.Raja Hussian

... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned order dated 07.05.2019 in Na.Ka.No.1988/E1/2019 by the third respondent and quash the same.

For Petitioner	: Mr.J.Barathan
For RR 1 to 3	: Mr.S.P.Maharajan Special Government Pleader
For RR 4, 5, 7 & 9	: Mr.M.Seeni Sulthan
For RR 6, 11 & 12	: Mr.K.Guhan
For RR 8 & 10	: No appearance

ORDER

This Writ Petition has been filed by the petitioner challenging the order passed by the third respondent dated 07.05.2019, thereby directing the petitioner to rename his Jamad on the ground that the fourth respondent Society is already registered and is in existence at the time of registration of the petitioner's Society.



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2.The petitioner's Society is a registered one under the Tamil Nadu Societies Registration Act, 1975 on 29.11.2018, vide Registration No.181 of 2018. Whereas, the fourth respondent Society has been registered before the Registrar of Societies, Madurai on 03.10.1996 vide Registration No.187 of 1996. In fact, the members of the petitioner were the members of the fourth respondent Society. They made so many allegations as against the fourth respondent and as such, they got separated from the fourth respondent and started the petitioner's Society and got registered on 29.11.2018. The petitioner also registered in the very same name of the fourth respondent. Therefore, the fourth respondent lodged a complaint as against the registration of the petitioner's Society as Registration No.181 of 2018. On receipt of the same, the third respondent conducted an enquiry. On the enquiry, the petitioner's Society was represented by one Raja Mohammed and he made a statement.

3.On perusal of the statement would reveal that the said Raja Mohammed made so many allegations as against the fourth respondent and as such, they started a new Society in the very same name. Under Section 9(1)(c) of the Tamil Nadu Societies Registration Act, 1975, the identical with, or too nearly resembles,



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the name by which a society in existence has been previously registered shall be deemed to be undesirable. Accordingly, the third respondent directed the petitioner's Society to change its name.

4.The learned counsel appearing for the petitioner would submit that the fourth respondent Society was not in existence though it got registered in the year 1996 vide Registration No.187 of 1996.

5.On perusal of the deposition of the petitioner recorded before the third respondent does not even whisper about the non-existence of the fourth respondent Society after it got registered. Therefore, the third respondent rightly considered the representation submitted by the fourth respondent and ordered the petitioner's Society name to be changed. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent dated 07.05.2019. Hence, this Writ Petition is devoid of merits and the same is liable to be dismissed.



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6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

1. The Inspector General of Registration,
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Madurai - 625 001.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.12749 of 2019

12.12.2024