



W.P.No.3351 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 08.07.2025

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3351 of 2023

1. Dr.N.P.Jacob

Former President and Founder of
Reach in the Nilgiris
(A Registered Society)
8888 Meadow Lane, Berrien Springs
Michigan, USA
rep by his Power of Attorney Holder
Mr.Khatur Rajee Mathew
No.2, 1st Cross, Thiru Vi Ka Nagar
Mudaliarpet, Pondicherry 605 004

2. Ms.Cheryl Anne Roeske

8888 Meadow Lane, Berrien Springs
Michigan, USA

.. Petitioners

VS

1. Joint Secretary to Government

Ministry of Home Affairs, Government of India
Foreigners Division (FCRA Wing)
NDDC-II Building (Opp.Jantar Mantar)
Jai Singh Road
New Delhi 110 001



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2. The Director (FCRA)
Government of India
Ministry of Home Affairs
Foreigners Division (FCRA Wing)
Major Dhyan Chand (MDC) National Stadium
Outer India Gate
New Delhi 110 001

3. The Principal Secretary (Home)
cum Additional Chief Secretary
Government of Tamil Nadu
Home Department, Fort St.George
Chennai 600 009

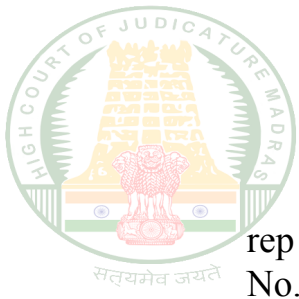
4. The Inspector General of Registration
O/o of the IG Registration
No.100, Santhome High Road
Chennai 600 004

5. District Registrar cum Registrar of Society
Nilgiris, Udthagamandalam District
Tamil Nadu 643 002

6. District Registrar
Tuticorin District
Tamil Nadu 628 008

7. Sub Registrar of Nazareth
No.109/49, Markashius Street
Nazareth, Tuticorin District
Tamil Nadu 628 617

8. Reach in The Nilgiris
A Registered Society
Bearing a Registration No.25/1999



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rep by its President R.Mathialagan Martin
No.86, Mount Road
Coonor, Udthagamandalam District

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9. Mr.R.Mathialagan Martin

10.Prabhu Duraierasau

11.Thomas

12.Sudhakar

13.I.Margo

14.Libi Flowrence

15.G.Melwin

16.S.Kalaiarasi

17.S.M.Jacob Pandiyan

18.M.Daniel

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the third respondent to take charge and control over all the assets and bank accounts of the 8th Respondent Society till the registration certificate under FCRA regulations is obtained and consequently direct 7th respondent herein to cancel the entry on his file in respect of sale deed dated 23.07.2021 and 06.04.2022, Registered as Doc No.937/2021 and 513/2022 respectively within a time stipulated by this Hon'ble Court.

For Petitioners :: Mr.J.Ravikumar

For Respondents :: Mrs.S.S.Meenakumary
Senior Panel Counsel for R1 & R2
Mr.E.Veda Bagath Singh
Special Government Pleader for R3
Mr.R.Sasikumar
Government Advocate for R4 to R7
Ms.L.Meenakshi for R9, R10 & R13
Mr.S.Marshall for R11, R12, R14,
R15, R16, R17, R18



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ORDER

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This writ petition has been filed for issuance of a mandamus directing the third respondent to take charge and control over the assets and bank accounts of the eighth respondent-Society till the registration certificate is obtained under the FCRA regulations and consequently direct the seventh respondent to cancel the entries made pursuant to the registration of the sale deeds dated 23.07.2021 and 06.04.2022, registered as Document Nos.937/2021 and 513/2022, respectively.

2. The main grievance that has been expressed by the petitioners is that the eighth respondent-Society was founded in the year 1989 for providing free education to the downtrodden children and to provide shelter and food and also to rehabilitate the physically challenged children. According to the petitioners, the eighth respondent-Society is run solely on the support of donations given by the petitioners, who are the citizens of USA. The eighth respondent-Society was registered under the Foreign Contribution (Regulation) Act, 1976 (FCRA) in the year 1992. Subsequent



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to the registration, foreign contribution is routed through the notified bank of the eighth respondent-Society and all the assets have been purchased only out of the foreign funds received by the Society. According to the petitioners, they have donated nearly Rs.9.11 Crores for the period between 1989 and 2002 to the eighth respondent-Society. Their grievance is that it was misappropriated and various office bearers were transferring the funds to various personal bank accounts. This led to the filing of a criminal complaint and the matter was taken up for investigation by CBI. Ultimately, the police report was filed and the trial was conducted by the Special Court for CBI in C.C.Nos.1 & 2 of 2008. The office bearers were convicted and sentenced by the Court, by a judgment dated 16.09.2019.

3. The petitioners came to know that the property belonging to the eighth respondent-Society was once again dealt with and fraudulently sold to the 14th respondent. According to the petitioners, the eighth respondent-Society, which was receiving the funds, could not have dealt with the property, since the FCRA registration was cancelled long before and therefore the petitioners submitted a representation to the official



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respondents to take over the control of the assets and bank accounts of the eighth respondent-Society and also to cancel the documents registered pursuant to the sale of the property belonging to the eighth respondent-Society in the year 2021 & 2022. Since the same was not considered, the present writ petition has been filed before this Court.

4. When the above writ petition came up for hearing on 25.06.2025, this Court passed the following order:-

“This writ petition has been filed for a direction to the 3rd respondent to take charge and control over the assets and bank account of the 8th respondent Society.

2. When the writ petition was taken up for hearing today, the learned Senior Panel Counsel of Government of India brought to the notice of this Court the communication dated 24.05.2023 issued by the Ministry of Home Affairs, Government of India to the Chief Secretary, Government of Tamil Nadu. For proper appreciation, the relevant portion is extracted hereunder:

*I am directed to say that the FCRA
Registration Certificate No.075900918R of*



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"Reach in the Nilgiris" was cancelled under Section 14 of the Act by this Ministry on 10-07-2015 for violating Section 18 of the Foreign Contribution (Regulation) Act, 2010 (FCRA, 2010) read with Rule 17 of the Foreign Contribution (Regulation) Rules, 2011 (FCRR, 2011) In terms of Section 15(1) of FCRA, 2010 read with this Ministry's Notification S.O. 5650 (E) dated 05-11-2018 (copy enclosed), the Additional Chief Secretary or the Principal Secretary, (Home) of concerned State Government or Union territory is required to take necessary action in terms of Section 15(2) of FCRA, 2010 to manage the assets created out of foreign contribution by the Association/NGO whose FCRA Registration Certificate has been cancelled.

2. It is to inform that subject case has been filed inter-alia, to direct the Principal Secretary (Home) Cum Additional Chief Secretary, Govt of Tamilnadu to take charge and control over all the assets and bank



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accounts of the Association as per Section 15 of FCRA, 2010 till a fresh FCRA Registration Certificate is obtained from the Central Government. A copy of the subject WP is attached herewith for ready reference.

3.In the light of the above development, the learned Additional Government Pleader shall take instructions from the 3rd respondent as to the further course of action that was taken after the receipt of the communication from the Ministry of Home Affairs.

4.Post this writ petition under the caption 'For Orders' on 08.07.2025.”

5. When the matter was taken up for hearing today, the learned Special Government Pleader, based on the written instructions received from the third respondent, submitted that the third respondent has already asked the District Collector, The Nilgiris to submit a report and based on the report, further action will be taken.



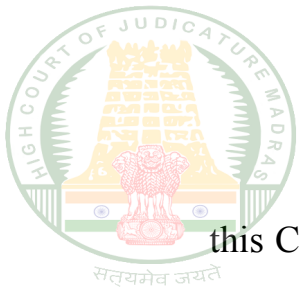
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6. It is quite evident that the FCRA registration certificate for the eighth respondent-Society was cancelled as early as on 10.07.2015 for violating Section 18 of the FCRA read with the relevant rules. The Ministry of Home Affairs through communication dated 24.05.2023 has requested the third respondent to take necessary action in terms of Section 15(2) of the FCRA and to manage the assets created out of the foreign contribution by the eighth respondent. Even though this communication was issued in the year 2023, till date, no effective steps have been taken and the written instructions given by the third respondent show that the authority is only in the process of getting a report from the District Collector.

7. It is also brought to the notice of this Court that the first petitioner died during the pendency of this writ petition and hence the writ petition is now prosecuted only insofar as the second petitioner is concerned. The locus standi of the second petitioner was questioned by the counsel appearing on behalf of the private respondents.

8. This Court does not want to go into this issue for the present and

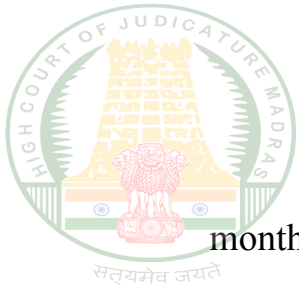


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this Court is more interested in ensuring that the eighth respondent-Society, which was run through foreign contribution, does not violate any of the provisions of FCRA. This is more so, since it is being run as a Trust.

9. In the light of the above discussions, there shall be a direction to the second respondent to conduct an independent probe on the activities of the eighth respondent-Society, after affording opportunity to all the interested parties. In the meantime, there shall be a direction to the third respondent to get the necessary report from the District Collector, The Nilgiris and take further action. The third respondent shall ensure that the communication dated 24.05.2023 issued by the Ministry of Home Affairs is followed up and the affairs of the Society is effectively brought within control. This process shall be completed by the third respondent within a period of eight weeks from the date of receipt of a copy of this order. Insofar as the probe is concerned, the second respondent shall proceed further with the probe after hearing all the interested parties and take action in accordance with law, if there is any violation of the FCRA. This process shall be completed by the second respondent within a period of three



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months from the date of receipt of a copy of this order.

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10. This writ petition is disposed of with the above directions.

Consequently, W.M.P.Nos.3419, 3422 & 3424 of 2023 are closed. No costs.

Index : yes/no
Neutral citation : yes/no

08.07.2025

SS

To

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Ministry of Home Affairs, Government of India
Foreigners Division (FCRA Wing)
NDDC-II Building (Opp.Jantar Mantar)
Jai Singh Road
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