



W.P.No.10437 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 24.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10437 of 2025

B.T.Arasakumar

... Petitioner

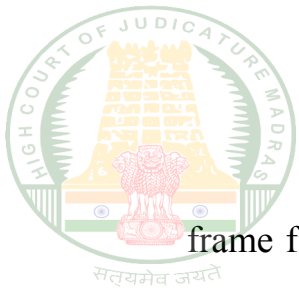
Vs.

1.The Inspector General of Registration
No.200, Santhome High Road
Chennai 600 028.

2.The District Registrar
Chennai-South
537, Fanepet, Nandanam
Chennai 600 035.

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose the appeal dated 19.02.2025 filed by the petitioner under Section 45 (1) (a) of the Tamil Nadu Societies Registration Act, 1975 on the first respondent, within the time



W.P.No.10437 of 2025

frame fixed by this Court and pass such further or other orders as this Court
may be deem fit in the proper circumstance of the case.

For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For Respondents : Mr.K.Karthik Jaganath
Government Advocate
for R1 & R2

ORDER

The prayer in the Writ Petition is to dispose of the appeal filed by the petitioner dated 19.02.2025 which is filed under Section 45, (1) (a) of the Tamil Nadu Societies Registration Act, 1975.

2. Upon hearing the learned counsel for the petitioner and perusing the affidavit filed in support of the Writ Petition, the grievance of the petitioner is that the petitioner along with the others have founded a society in the name and style Tamil Nadu Private Schools Association. Upon presenting the application for registration the same was rejected on the



W.P.No.10437 of 2025

ground that already an association exists with a similar name. The appeal is

now preferred by the petitioner on the ground that the said society is defunct and therefore the name should be considered.

3. The learned counsel for the petitioner by attracting the attention of this Court to Section 44 of the Act would submit that when the Registrar has a reasonable cause to believe that a registered society is not carrying on business he shall send registered society a letter enquiring whether the society is in business or operation and if the society is not in operation can declare it to be defunct and thereafter the name can be allotted to the petitioner.

4. When the matter came up for admission, the learned Government Advocate taking notice on behalf of the respondents submitted that as per the records as on date it is not even shown that the said society is a defunct society.

5. I have considered the rival submissions made on either side



W.P.No.10437 of 2025

and perused the material records of the case.

WEB COPY

6. If the name that is adopted by the petitioner is already a name of some other society then the application is rightly rejected. It is submitted on behalf of the respondent that the society is not defunct. Therefore, the prayer made by the learned counsel for the petitioner cannot be countenanced. Even otherwise, the first exercise that is to be done is the exercise of power under Section 44 of the Act. If only the Registrar exercises his power and after notice to the particular society declares the society as defunct and remove the society from the rolls, thereafter only, such name can be adopted by the petitioner. Therefore, even if it is the contention of the petitioner that the society is defunct, the petitioner has to only first file an application under Section 44 of the Act and if only the Registrar takes proceedings and agrees with him, thereafter, the question of adopting the said name will arise. Therefore, as on date I am of the opinion that the petitioner's appeal under Section 45 (1) (a) of the Act cannot be countenanced and there cannot be any direction to consider the said appeal.



W.P.No.10437 of 2025

WEB COPY

7. In view thereof, with the aforesaid liberty given to the petitioner, this Writ Petition stands disposed of. No costs.

24.03.2025

Neutral Citation : No
dna

To

1.The Inspector General of Registration
No.200, Santhome High Road
Chennai 600 028.

2.The District Registrar
Chennai-South
537, Fanepet, Nandanam
Chennai 600 035.



WEB COPY



W.P.No.10437 of 2025

D.BHARATHA CHAKRAVARTHY, J.

dna

W.P.No.10437 of 2025

24.03.2025