



WEB COPY



W.P.No.38020 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.38020 of 2025

G.Daniel Gunaseelan

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 004.

2.The District Registrar, (Admn.)
Office of the District Registrar,
Central Chennai,
Bharathi Salai,
Royepaettah,
Chennai-600 014.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records, relating to the communication, dated 23.01.2025, issued by the second respondent to the petitioner, and to quash the same and to direct the respondents to conduct inquiry, as per the Order, dated 12.07.2024, passed in W.P.No.18646 of 2024, within a time frame as may be fixed by this Honourable Court.

For Petitioner : Ms.E.Elizabeth Ravi
for Mr.P.Raja

For Respondents : Mr.R.Sasi Kumar,
Government Advocate

Page No:1/6



W.P.No.38020 of 2025

WEB COPY

ORDER

Aggrieved by the impugned communication dated 23.01.2025, issued by the second respondent, the petitioner is before this Court praying for a direction to the respondents to conduct inquiry, as per the Order, dated 12.07.2024, passed in W.P.No.18646 of 2024, within the time frame to be fixed by this Court.

2. It is the case of the petitioner that he is a member of Priyadarshini apartments Residents Welfare Association registered under the Society's Registration Act. Having found certain irregularities in the association, the petitioner had given a representation to the 1st respondent for taking appropriate action in that regard. However, the said representation was not considered which prompted the petitioner to file a Writ Petition before this Court in W.P.No.18646 of 2024 wherein, this Court, vide order dated 12.07.2024 directed the respondents to consider the petitioner's representation and to pass orders on the same as expeditiously as possible. Pursuant to which, the present impugned communication has come to be passed by the 2nd respondent dated 23.01.2025 directing the petitioner to pay a sum of Rs.60,000/- including the Travelling Allowance & Dearness Allowance towards the enquiry to be conducted. Aggrieved by which, the present Writ Petition has been filed by the petitioner with the aforesaid relief.



W.P.No.38020 of 2025

3. Learned counsel appearing for the petitioner submitted that, under Section 36(3) & (4) of the Tamil Nadu Societies Registration Act, the 2nd respondent is entitled only to collect cost from the public for the purpose of conducting enquiry and has no authority to collect Travelling Allowance and Dearness Allowance which are payable only by the employer and not by the applicant. Hence, the impugned order is not sustainable. However, it was fairly submitted that the petitioner is ready and willing to pay any reasonable cost as contemplated under Section 36(4) of the Tamil Nadu Societies Registration Act.

4. Per Contra, learned Government Advocate appearing for the respondents while defending the impugned communication, submitted that Section 36(4) of the Act empowers the 2nd respondent to collect costs from the petitioner and that such costs also include Travelling Allowance & Dearness Allowance. Therefore, the impugned communication of the 2nd respondent cannot be found fault with.

5. Heard the learned counsel appearing on either side and perused the materials available on records.



W.P.No.38020 of 2025

6. It is the specific case of the petitioner that, as per Section 36(3) & (4) of the Tamil Nadu Societies Registration Act, the 2nd respondent is empowered only to collect the cost for conducting enquiry while the respondents contends that such costs also include Travelling Allowance (TA) & Daily Allowance (DA).

7. Having regard to the rival submissions, this Court is of the view that the 2nd respondent may impose a reasonable cost on the petitioner. Accordingly, the petitioner is directed to deposit a sum of Rs.10,000/- with the 2nd respondent within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of the said amount, the 2nd respondent is directed to conduct an enquiry within a period of two (2) thereafter. Upon completion of such enquiry, the petitioner shall deposit a further sum of Rs.20,000/- with the 2nd respondent and upon receipt of such deposit, the 2nd respondent is directed to pass appropriate orders on the petitioner's representation in accordance with the earlier direction of this Court in W.P.No.18646/2024 vide order dated 12.07.2024 within a period of six (6) weeks thereafter after affording an opportunity of personal hearing to the petitioner and other aggrieved persons, if any.



W.P.No.38020 of 2025

WEB COPY

8. The Writ Petition stands disposed of in the above terms. There shall be no order as to costs.

09.10.2025

Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs

To

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 004.

2.The District Registrar, (Admn.)
Office of the District Registrar,
Central Chennai,
Bharathi Salai,
Royepaettah,
Chennai-600 014.



WEB COPY



W.P.No.38020 of 2025

M.DHANDAPANI, J.

Nhs

W.P.No.38020 of 2025

09.10.2025

Page No:6/6