



W.P.No.40022 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.10.2025

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THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.40022 of 2025 and
WMP.No.44964 of 2025

Tamil Nadu Private Schools Association
(Represented by its Founder/ President Thiru B.T. Arasukumar)
No. 5, M.P. Avenue, Majestic Colony,
Saligramam, Chennai- 600 093.

... Petitioner

Vs.

1. The Inspector General Of
Registration,
No. 100, Santhome High Road
Mylapore, Chennai- 600 004.

2.The District Registrar,
Office of The District Registrar,
Chennai South,
Chennai 600035.

3.The District Registrar,
Office of the District Registrar,
Chennai Nort, 268, Bharathi Salai,
Express Estate, Royapettah
Chennai 600002.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the 1st respondent in SE.MU. AA. No. 7311/ I1/ 2025 dated 16.09.2025 and quash the same as being illegal and arbitrary and ultra vires the Act and consequently, directing the 2nd and 3rd Respondent to forthwith initiate inquiry under Section 44(1) of the Act against the Defunct Society (Reg. No.211/ 2011) by issuing notice and completing the striking off procedure within a time bound manner and consequently register the Petitioner's Association under the proposed name.

For Petitioner : Mr.R.Suresh Kumar
for M/s.K.M.Associates
For Respondents : Mr.U.Baranidharan
Special Government Pleader

ORDER

Mr.U.Baranidharan, learned Special Government Pleader takes notice on behalf of the respondents. With consent, the main writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed challenging the proceedings of the 1st respondent dated 16.09.2025 and to quash the same and consequently direct the 2nd and 3rd Respondents to forthwith initiate



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inquiry under Section 44(1) of the Act against the Defunct Society (Reg. No.211/ 2011) by issuing notice and completing the striking off procedure within a time bound manner and consequently register the Petitioner's Association under the proposed name.

2. The learned counsel appearing for the petitioner would submit that initially the petitioner submitted an application to the 2nd respondent on 30.11.2024 to register the Petitioner Association in the name and style of “Tamil Nadu Private Schools Association” and the same was rejected by the 2nd respondent vide proceedings dated 30.01.2025, on the ground that the aforesaid name was already in existence before the 2nd Respondent with Reg.No.211/2011, as against which, the petitioner preferred an Appeal before the 1st respondent and the same was dismissed vide order dated 16.09.2025. Being aggrieved over the same, the present writ petition has been filed.

2.1. Further, he would submit that the association which was said to



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be already registered with the aforesaid name is not functioning and is a Defunct society. Under Section 44 of the Tamil Nadu Societies Registration Act, 1975 (in short 'the Act') the respondents can cancel the registration of the non functioning association. But the 1st respondent without conducting the verification on the non functioning association has arbitrarily rejected the Appeal filed by the petitioner. He therefore prays to set aside the impugned order.

3. The learned Special Government Pleader appearing for the respondents would submit that the Society by name “Tamil Nadu Private Schools Association” was already registered with the 2nd respondent vide Registration No.211/2011 and therefore again registration could not be done with the same name as per Section 9(1)(c) of the Act. Further, he would submit that though the earlier Society has become defunct, the consequential action of striking off from the registration has not taken place and hence the earlier society is deemed to be in existence. Therefore, the 2nd respondent has rightly rejected the application filed by the petitioner on 30.01.2025 and the said order was confirmed by the 1st



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respondent vide order dated 16.09.2025. Further, he would submit that even after dissolution of the Society, the proposed name may not be available due to the reason that the defunct Society may come with a fresh application to restore its registration, in which case delay can be condoned in terms of provisions of Rule 49 of the Act. He therefore prays for dismissal of this Writ Petition.

4. Heard both sides. Perused the records.

5. In the case on hand, the Petitioner Association is a newly formed Association for Private Schools in Tamil Nadu, and applied for registration under the Act before the 2nd Respondent and the same was rejected by the 2nd respondent vide order dated 03.01.2025, on the ground that the proposed name sought for by the petitioner's association is already in existence. As rightly contended by the learned Special Government Pleader appearing for the respondents, though the so-called Society has become defunct, still the striking off procedure is yet to be completed. Even if it is dissolved, after dissolution of the Society, the Society may come with a fresh application for restoration and therefore the proposed



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name may be not be available for any other Association immediately even after the completion of the striking off. Even if the petitioner seeks for a direction to conduct enquiry by the respondents under Section 44 of the Act, the fact remains that no objection has to be obtained from the defunct Society, in which case the question of issuing notice under Section 44 for conducting enquiry will come into picture. Unless and otherwise the consent is obtained from the defunct Society, there is no cause of action even for conducting enquiry under Section 44 of the Act and the same would be a futile exercise. Therefore, even assuming the earlier society is dissolved and struck off as stated above, still the said Society is entitled to restore its name within a certain period of time, by filing appropriate application before the concerned Authority. In the Companies Act, 1956, the time limit for applying for restoration of the Company's name, which is dissolved, is 20 years and the same yardstick can be applied to the present case in the absence of any specific procedure in the Societies Registration Act.



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6. In view of the aforesaid position, I do not find any error in the decision making process on the part of the 2nd and 3rd respondents in rejecting the petitioner's request. Therefore, this Writ Petition sans merit. Hence, the same is liable to be dismissed and accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.10.2025

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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To

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KRISHNAN RAMASAMY.J.,
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