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W.A.No.3599 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.A.No. 3599 of 2025

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

...Appellant

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 – 600 035.

3.The District Registrar,
Office of the District Registrar,
Chennai North, 268, Bharathi Salai,
Express Estate, Royapettah,
Chennai – 600 002.

...Respondents

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in W.P.No.40022 of 2025 dated 27.10.2025.

For Appellant : Mr.P.Chandrasekaran

For Respondents : Mr.U.Baranidharan, Spl. G.P.



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J U D G M E N T

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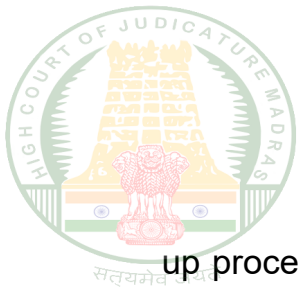
(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Under assail is the writ order dated 27.10.2025 made in W.P.No.40022 of 2025.

2. The Writ Petitioner Tamil Nadu Private Schools Association represented by its Founder / President is appellant before this Court. The grievance of the appellant is that they submitted an application to register their Association under the provisions of the Tamil Nadu Societies Registration Act and the District Registrar informed that another Association in the same name has been registered, therefore the application cannot be considered.

3. The learned counsel for the appellant would submit that the other Association became defunct and non-functional. Therefore, there is no impediment for the District Registrar to entertain the application and register the appellant Association.

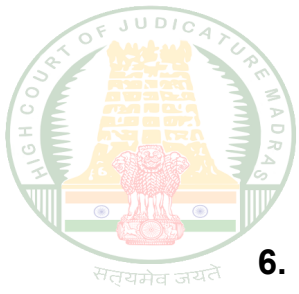
4. The learned Special Government Pleader appearing for the respondents would oppose by stating that the registered Association, which is defunct still continue to be a registered Association and no notification to strike off the Association has been issued and appointment of liquidator and winding



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up procedures are yet to be followed. Thus, the application submitted by the applicant is not entertainable under Section 9(1)(c) of the Societies Registration Act. The scheme of the Act contemplates procedures for registration of Association and strike off an Association which became defunct. Section 40, 41 and 44 along with Rule 37 are to be followed for the purpose of striking off an Association and it is to be notified in the Tamil Nadu Government Gazette. The procedures to notify the registered Association as defunct has commenced, but, yet to be completed. The time limit contemplated under the Rules are to be followed by the competent Authorities.

5. During the course of arguments, this Court found that the appellant Association is an unregistered Association and filed a Writ Petition. The Writ Petition filed by an unregistered Association is not entertainable, since it cannot be construed as a legal entity. Thus, any application to the District Registrar under the Societies Registration Act is to be submitted in the individual capacity of the persons who are willing to register the Association and not in the name of the Association. Since the process to strike off the registered Association has already commenced, it is for the Authorities to follow the timeline as contemplated under the Act and Rules and complete the proceedings.



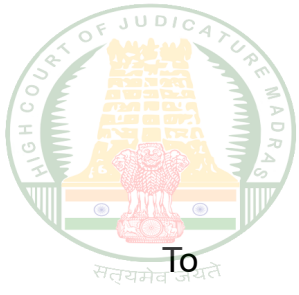
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6. As far as the grievance of the appellant is concerned, unless the existing registered Association functioning in the name of the Tamil Nadu Private Schools Association is struck off, the Association formed by the appellant in the same name cannot be registered under the provisions of the Act. Either the appellant has to wait till such time it is completed by the competent Authorities under the Act or change the name of the Association and register by following the procedures.

7. In view of the above, this Court is of the considered view that the Writ Petition filed by the appellant, which is an unregistered Association is not maintainable and the Writ Petition *per se* is liable to be dismissed. Consequently, the Writ Appeal also stands **dismissed**. No costs.

(S.M.S., J.) (M.S.Q., J.)
26.11.2025

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



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To

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- 4.Founder/ President Thiru.B.T.Arasukumar
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