



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal (MD) No.1223 of 2015

V.Neethisekar

... Appellant

Vs.

1.The District Collector,
District Registrar Office,
Palace Road,
Madurai.

2.The Secretary,
Madurai Nadar Uravinmurai
539/137-C, Kamarajar Salai,
Madurai.

3.The Election Officer,
Madurai Nadar Uravinmurai
539/137-C, Kamarajar Salai,
Madurai.

... Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 09.09.2015 made in M.P(MD)No.3 of 2015 in W.P.(MD) No.12431 of 2015.

Prayer in MP(MD).1 of 2015 in WP(MD)No.12431 of 2015:

To appoint an Advocate commissioner for conducting the election which is to be held on 26.07.2015 under the supervision of the 1st respondent.

Prayer in MP(MD).2 of 2015 in WP(MD)No.12431 of 2015:

To pass an order of Injunction, restraining the 3rd respondent in conducting the election which is to be held on 26.07.2015.

Prayer in MP(MD).3 of 2015 in WP(MD)No.12431 of 2015:

Pleaded to vacate the Interim stay order dated 23.07.2015 granted in the above WP(MD) No. 12431 of 2015.

Prayer in WP(MD)No. 12431 of 2015:

Writ petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent not to recognize the members who are included in the members list on 27.05.2015 in Form VII by the 2nd respondent and the adding of additional members in the members list circulated by the 3rd respondent without inclusion in Form VII or Form VI for the selection which is to be held on 26.07.2015 based on the representation dated 07.07.2015.



For Appellant : Mr.C.Vakeeswaran

For Respondents 2&3 : Mr.C.Dhanaseelan

JUDGMENT

WEB COPY (Judgment of the Court was delivered by V.RAMASUBRAMANIAN,J)

This appeal arises out of a vacation of an interim order by the learned single Judge.

2.Heard Mr.C.Vakeeswaran, learned counsel for the appellant. Mr.C.Dhanaseelan, learned counsel takes notice for the respondents 2 and 3.

3.The appellant herein filed a writ petition seeking a mandamus to direct the Registrar of societies not to recognise members who are included in Form VII without following the proper procedure. Pending writ petition, the appellant also obtained an interim order with regard to the elections. The interim order was to the effect that the election could go on but the results should not be published. According to the appellant, the Election Officer declared results in violation of the interim order forcing him to file a contempt petition. In the meantime, the respondents filed a vacate stay petition.

4.The grievance of the appellant is that without taking up the contempt petition, the stay petition and vacate stay petition were disposed of by a common order vacating the interim injunction. Hence, the appellant has come up with the above appeal challenging the order of the learned Judge vacating the interim injunction.

5.The order of the learned Judge is dated 09.09.2015. The results of the election, even according to the appellant have already been declared. Therefore, nothing survives in the present writ appeal. Any other right that the appellant seeks to claim should be worked out only in the writ petition or in the contempt petition. The impugned order has already worked itself out. Hence, the writ appeal is dismissed. No costs.

Sd/-
Assistant Registrar.

/True Copy/

Sub Assistant Registrar.

To
The District Collector, District Registrar Office, Palace Road, Madurai.

+2CC to Mr.C.Dhanaseelan, Advocate, SR.No. 66072
+1CC to Mr.C.Vakeeswaran, Advocate, SR.No. 65984
+1CC to The Special Government Pleader SR.No. 66212

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