



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2015

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THE HONOURABLE MR. JUSTICE R. SUBBIAH**W.P. (MD) No. 10346 of 2015**

M.A. MURUGAN

... Petitioner

Vs.

1. THE DISTRICT COLLECTOR,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.
2. THE SUB COLLECTOR/DRO,
THOOTHUKUDI.
3. THE SUPERINTENDENT OF POLICE,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.
4. THE INSPECTOR OF POLICE,
NORTH POLICE STATION, THOOTHUKUDI.
5. M.S.P. RAMAIYA AASARI

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents 1 to 4 from granting permission to the 5th respondent to convene the general body meeting proposed to be held on 28.6.2015 in the light of W.P.No.12190/14 dated 25.7.14.

For Petitioner : Mr.S.Saji Bino

For R1 to R4 : Mr.D.Muruganantham
Additional Government Pleader

For R5 : Mr.B.Rajesh Saravanan

O R D E R

This writ petition has been filed for a writ of Mandamus forbearing the respondents 1 to 4 from granting permission to the 5th respondent to convene the general body meeting proposed to be

held on 28.6.2015 in the light of W.P.No.12190/14 dated 25.7.14.

2.The case of the petitioner is that he is the member of Thoothukudi Visvakarma Dharma Paripalan Sangam. Since the said Sangam has not submitted Form 7 periodically, the same was cancelled and with regard to non-filing of Form 7, a suit was also pending. In the meantime, the fifth respondent has filed a writ petition in W.P. (MD)No.12190 of 2014 to quash the proceedings of the Inspector of Police, Central Police Station, Thoothukudi, issued under Section 107 Cr.P.C. and also to direct the respondents therein to give police protection to convene a meeting in respect of the Sangam. This Court, vide order dated 25.07.2014 in W.P.(MD)No.12190 of 2014 rejected the prayer made by the fifth respondent stating as follows:-

"It is to be noted that the first information report in crime No.569 of 2013 on the file of the Central Police Station, Thoothukudi, which has resulted in an order under Section 107 Cr.P.C., has not been challenged by the petitioner till date. As long as such order under Section 107 Cr.P.C. is in force and there is germinate apprehension based on materials that law and order problem will arise, the prayer sought for by the petitioner cannot be granted. Therefore, the question of setting aside the impugned order does not arise and the only remedy left open to the petitioner is to approach the Revenue Divisional Officer and participate in any enquiry that may be conducted."

3. Since the earlier proceedings under Section 107 Cr.P.C.is pending, there is an apprehension of law and order problem. In such circumstances, the fifth respondent had given a paper publication dated 05.06.2015 in Dina Malar stating that the proposed General Body meeting is going to be held on 28.06.2015. Hence, the present writ petition has been field by the petitioner for the relief stated supra.

4.Today, when the matter is taken up for hearing, the fifth respondent has filed counter stating that as there is no order as against the Sangam in W.P.(MD)No.12190 of 2014, they convened a General Body Meeting on 28.06.2015 as scheduled and resolved to have election for new office bearers on 26.07.2015 and election officers had been appointed for this purpose. Hence, the fifth respondent has no role or power over the process of election and declaration of election results and the Sangam was taken over by the election officers.

5.In view of the above, I am of the considered opinion that the prayer made by the writ petitioner has become infructuous and nothing survives in this writ petition. Recording the statement made by the fifth respondent in his counter affidavit, the writ petition is liable to be dismissed. Accordingly, the same is dismissed. No



costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

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To

1. THE DISTRICT COLLECTOR,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.
2. THE SUB COLLECTOR/DRO, THOOTHUKUDI.
3. THE SUPERINTENDENT OF POLICE,
THOOTHUKUDI DISTRICT, THOOTHUKUDI.
4. THE INSPECTOR OF POLICE, NORTH POLICE STATION, THOOTHUKUDI.
+1CC to Mr.B.Rajesh Saravanan ADV.Sr.No.45875
+1CC to Spl.Government Pleader SR.No.45964

W.P.(MD)No.10346 of 2015
Dated: 11.08.2015

GJM 25.8.15-3p-7c