



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

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CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.20367 of 2016
and
W.M.P (MD) No.14564 of 2016

J.Jesiah Villavarayar

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome High Road,
Santhome, Chennai.

2.The District Registrar (Administration),
Office of the District Registrar,
Registration Department,
Near New Bus Stand,
Thoothukudi.

3.The President,
All India Chamber of Commerce and
Industries, 84/2, South Raja Street,
Thoothukudi.

4.The General Secretary,
All India Chamber of Commerce and
Industries, 84/2, South Raja Street,
Thoothukudi-1.

5.P.Vinayagamoorthy
Election Officer Designate 2016-2018
All India Chamber of Commerce and
Industries, 84/2, South Raja Street,
Thoothukudi.

6.G.P.Joe Prakash
All India Chamber of Commerce and
Industries, 84/2, South Raja Street,
Thoothukudi.



7.P.Mayilvel

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi-1.

8.Prem Vetri

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi-1.

9.P.S.K.Mariappan

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi-1.

10.Sankar Marimuthu

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi.

11.Balamurugan

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi.

12.Mechanna Fernando

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi.

13.Ramesh

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi.

14.Suresh Kumar

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi.

15.Perumalsamy

All India Chamber of Commerce and Industries, 84/2, South Raja Street, Thoothukudi.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to declare the alleged election of 6th to 15th respondents as office bearers of All India Chamber of Commerce and Industries (AICCI) Tuticorin for the term of 2016-2018 is null and



void and consequently to direct the 1st and 2nd respondents to conduct fresh election for election of office bearers in a lawful manner in accordance with the law / bye law after issuing fresh election notification to the Executive Committee Members within a time limit to be fixed by this Court.

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For Petitioner

: Mr.A.Thirumurthy

For Respondents 1&2

: Mr.J.Gunaseelan Muthiah
Government Advocate.

ORDER

The petitioner has filed this writ petition seeking for a direction to the respondents to declare the election conducted by the third respondent to All India Chamber of Commerce and Industries (AICCI) Tuticorin for the term of 2016-2018 as null and void and consequently to direct the respondents 1 and 2 to conduct fresh election after issuing fresh election notification to the Executive Committee Members within a time limit to be fixed by this Court.

2.According to the petitioner, as per the election notification dated 30.08.2016, the second phase of election process for the election of 10 office bearers was fixed from 22.09.2016 to 28.09.2016 but without conducting election as per the notification, the respondents 6 to 15 were selected as office bearers to the All India Chamber of Commerce and Industries which is contrary to law.

3.I have considered the submissions made by the learned counsel for the petitioner. If at all the petitioner has any grievance over the election in the respondent society, the petitioner cannot challenge the above said election, by filing this writ petition. The appropriate remedy available to the petitioner is to approach the competent civil forum for the above said relief. Therefore, the writ petition is not maintainable and accordingly, it is dismissed. However, liberty is granted to the petitioner to approach the competent forum to work out his remedy in the manner known to law. No costs. Consequently, W.M.P(MD) No.14564 of 2016 is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar



To

1. The Inspector General of Registration,
Registration Department, Santhome High Road,
Santhome, Chennai.

2. The District Registrar (Administration),
Office of the District Registrar, Registration Department,
Near New Bus Stand, Thoothukudi.

+1 cc to M/s.A.Thirumurthy, Advocate in SR.No. 65146

+1 cc to The Special Government Pleader in SR.No. 64967

sms

CSL/SS-2/22.11.2016: 4P/5C

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