

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAISWAMY

W.P.No.9951 of 2017 &
W.M.P.No. 10948 of 2017

M.Dinakaran

[Petitioner]

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Finance Department,
Fort St George,
Chennai.
2. The State of Tamil Nadu,
Rep. by its Secretary,
Law Department,
Fort St George,
Chennai.
3. The Registrar,
Registrar of Societies,
Royapuram,
Chennai.
4. The Election Officer,
Tamil Nadu Advocates Clerks Association,
High Court Madras,
Chennai - 104.
5. The Tamil Nadu Advocates Clerks Association,
High Court Buildings,
Registration Number 89/1968,
Chennai - 104.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 3 and 4 to postpone the election for the office of the 5th respondent till the disposal of the petitioner's representation dated 13.04.2017 in accordance with law.

For Petitioner : Mr.V.Stalin for Mr.D.Baskar

For R1 & R2 : Mr.A.N.Thambidurai,
Special Government Pleader

For R5 : Mr.S.Govindraman (R5)

ORDER

Mr.A.N.Thambidurai, Special Government Pleader takes notice for the respondents 1 & 2, Mr.S.Govindraman, learned counsel takes notice for the fifth respondent.

2.The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents 3 and 4 to postpone the election for the office of the fifth respondent till the disposal of the petitioner's representation dated 13.04.2017 in accordance with law.

3. The grievance of the petitioner is that the election was scheduled to be held on 21.04.2017 and that as per the bye-laws of the Association, a list of members eligible to vote should be published 15 days prior to the date of election, however, the same was not done.

4. The learned counsel appearing for the petitioner submitted that the list of eligible voters was published on 07.04.2017 and election is to be held on 21.04.2017. The other contention raised by the learned counsel is that in the year 2015, the resolutions were passed that the new members cannot vote for two years and only after completion of two years, they can be permitted to vote. It is the further contention of the learned counsel that the new members are also included in the voter's list, which was against the resolutions passed by the Association.

5. Heard Mr.A.N.Thambidurai, learned Special Government Pleader taking notice for the respondents 1 and 2.

6. Mr.S.Govindraman, learned counsel taking notice for the fifth respondent submitted that the petitioner viz., M.Dinakaran is also contesting in the election and the said fact has not been mentioned in the affidavit filed in support of the Writ Petition.

7. The petitioner on all fairness, should have stated that he is also a candidate for the election to be held on 21.04.2017. The said fact has been suppressed by the petitioner and he has filed the Writ Petition as though he is only a member of the Association.

8. That apart, when the election process has commenced, I do not find any reason to postpone the election for the Office of the fifth respondent. The election process can be challenged only before the competent Court, after the declaration of the results. Since the petitioner has not made out the case for pausing the election, I do not inclined to entertain the above Writ Petition.

9. In these circumstances, the Writ Petition is dismissed. No costs. Connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gsa/rk

To

1. The State of Tamil Nadu,
Rep. by its Secretary,
Finance Department,
Fort St George,
Chennai.
2. The Secretary, State of Tamil Nadu,
Law Department,
Fort St George,
Chennai.
3. The Registrar,
Registrar of Societies,
Royapuram,
Chennai.

+ 1 cc to Mr.D. Baskar, Advocate Sr.24016
+ 1 cc to Mr.S. Govindharam, Advocate SR.24100
+ 1 cc to Government Pleader SR.24368

W.P.No.9951 of 2017

SV(CO)
EU 3.5.17

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