

RESERVED ON : 20.06.2017

DELIVERED ON : 28.06.2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.15073 of 2017 and  
W.M.P.No.16326 of 2017

Dr.T.Sadagopan

... Petitioner

Vs.

1.State of Tamil Nadu  
rep by its Secretary,  
Health & Family Welfare,  
Fort St.George, Chennai - 600 009.

2.The Tamil Nadu Medical Council  
rep by its Registrar S.Kandasamy,  
New No.914, Old No.569,  
Poonamallee High Road,  
Arumbakkam, Chennai - 600 106.

3.Dr.K.Senthil

4.Dr.P.Ramakrishnan

5.Dr.D.Maruthu Pandian

... Respondents

(R3 to R5 impleaded vide order dated 20.06.2017 made in  
W.M.P.No.16835/2017 in W.P.No.15073 of 2017)

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Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus for direction from this Court to appoint an independent Administrator to conduct the election of the 2<sup>nd</sup> respondent Council within a time frame as fixed by this Court and in the interregnum to permit the independent Administrator to act along with the Registrar S.Kandasamy for administering the day-to-day

affairs of the 2<sup>nd</sup> respondent Council including financial transaction from 20.06.2017 till new Council take charge of the 2<sup>nd</sup> respondent Council.

(Prayer amended vide order dated 20.06.2017 made in W.M.P.No.16781 of 2017 in W.P.No.15073 of 2017)

For Petitioner : Mr.P.Wilson, Senior Counsel  
for Mr.B.Kumarasamy

For Respondents : Mr.A.N.Thambidurai  
Special Government Pleader (R1)

Mr.AR.L.Sundaresan, Senior Counsel  
for Mr.K.P.Narayanan and  
Krishna Prasad (R2)

### O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus for a direction from this Court to appoint an independent Administrator to conduct the election of the 2<sup>nd</sup> respondent Council within a time frame as fixed by this Court and in the interregnum to permit the independent Administrator to act along with the Registrar S.Kandasamy for administering the day-to-day affairs of the 2<sup>nd</sup> respondent Council including financial transaction from 20.06.2017 till new Council take charge of the 2<sup>nd</sup> respondent Council.

2.According to the petitioner, he is one of the elected member of the 2<sup>nd</sup> respondent Council. The 2<sup>nd</sup> respondent Council was formed in the year 2012 with 7 elected members and 3 nominated members and the tenure of the Council has come to an end on 19.06.2017. As per the Act, the Council functions with the aid of the President and every act done by the Council needs the consent of the President. Further, the President, along with the Registrar, is authorized to do all activities such as enrolment of Medical Practitioners, doing financial transactions including payment of salary to the staff of the Council and for payment towards day-to-day activities of the Council, therefore, after 19.06.2017, the day-to-day activities of the Council will come to a stand still.

3.Mr.P.Wilson, learned senior counsel appearing for the petitioner, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the 1<sup>st</sup> respondent, Mr.AR.L.Sundaresan, learned senior counsel appearing for

the 2<sup>nd</sup> respondent and Mr. Isaac Mohanlal, learned senior counsel appearing for the respondents 3 to 5 submitted that it is imperative to conduct the election of the Council and in the interregnum to appoint an independent Administrator for administering the day-to-day affairs of the 2<sup>nd</sup> respondent Council.

4. The learned senior counsels appearing on either side and the learned Special Government Pleader for the 1<sup>st</sup> respondent submitted that a Retired Judge of this Court may be appointed as an Administrator to conduct the election of the 2<sup>nd</sup> respondent Council and to permit the Administrator to administer the day-to-day affairs of the 2<sup>nd</sup> respondent Council, including financial transactions till new Council takes charge of the 2<sup>nd</sup> respondent Council.

5. In view of the submissions made by the learned senior counsel appearing on either side, by consent, I pass the following order:

- (i) I appoint Hon'ble Mr. Justice K. Venkataraman, Retired Judge of Madras High Court residing at L-Block, No. 125, East Anna Nagar, Chennai - 600 102 to be the Administrator to conduct the election of the 2<sup>nd</sup> respondent Council viz., Tamil Nadu Medical Council and to administer the day-to-day affairs of the 2<sup>nd</sup> respondent Council, including the financial transactions from the date of assuming charge as Administrator till new Council takes charge of the 2<sup>nd</sup> respondent Council.
- (ii) The Administrator shall have cheque signing powers and operating the bank account of the 2<sup>nd</sup> respondent Council.
- (iii) The Administrator shall have the powers of signing all certificates.
- (iv) The Administrator shall have the powers/duties of the Council under the Tamil Nadu Medical Council Act and Rules.
- (v) The Administrator is requested to conduct the election to the 2<sup>nd</sup> respondent Council as expeditiously as possible, preferably within three months.
- (vi) It is open to the Administrator to get adequate police protection at the time of conducting the election to the 2<sup>nd</sup> respondent Council. If any request is made by the Administrator to the jurisdictional police,

the concerned, Deputy Commissioner of Police is directed to provide adequate police security and protection at the time of conducting the election.

(vii) It is also open to the Administrator to appoint a Registrar, either the present Registrar or some other person on temporary basis (i.e.) till new Council takes charge after the election.

(viii) It is open to the newly elected Council members to appoint a permanent Registrar of the Council.

(ix) It is open to the Administrator to get the assistance of any Advocate or any such person of his choice at the time of conducting election.

(x) It is open to the Administrator to fix the remuneration of such person and pay the remuneration from the funds of the 2<sup>nd</sup> respondent Council.

(xi) The initial remuneration of the Administrator is fixed at Rs.10,00,000/- (Rupees ten lakhs only). If necessary, it is open to the Administrator to claim additional remuneration from the 2<sup>nd</sup> respondent Council, after completion of the election process.

6. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS IV )

/true copy/ सत्यमेव जयते

Sub Asst. Registrar

To

1. The Secretary,  
State of Tamil Nadu,  
Health & Family Welfare,  
Fort St. George, Chennai - 600 009.

2.The Registrar  
Tamil Nadu Medical Council,  
New No.914, Old No.569,  
Poonamallee High Road,  
Arumbakkam, Chennai - 600 106.

+1cc to Isaac Chamber,Advocate sr.44807

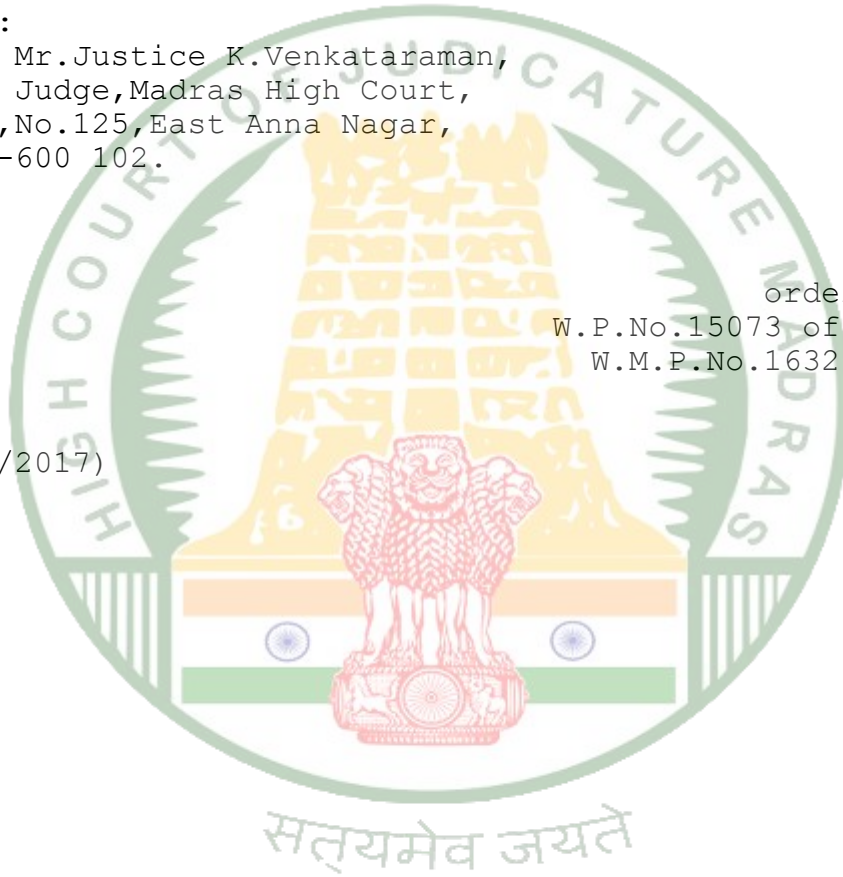
+3ccs to Mr.B.Kumarsamy,Advocate sr.44737

Copy to:

Hon'ble Mr.Justice K.Venkataraman,  
Retired Judge,Madras High Court,  
L-Block,No.125,East Anna Nagar,  
Chennai-600 102.

order made in  
W.P.No.15073 of 2017 and  
W.M.P.No.16326 of 2017

gp(co)  
ss(28/6/2017)



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