

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.17917 of 2017 and
W.M.P.No.19446 of 2017

R.Ramaraju

... Petitioner

Vs.

1.Union of India

rep by its Secretary to Government,
Ministry of Human Resource Development,
Shastri Bhawan, New Delhi - 110 001.

2.Council of Architecture,

rep by its Registrar, "India Habitat Centre",
Core 6A, 1st Floor, Lodhi Road,
New Delhi - 110 003.

3.The Indian Institute of Architects,

rep by its President,
Head Office at Prospect Chambers Annexe,
Dr.D.N.Road, Fort, Mumbai - 400 001
having its Tamil Nadu Chapter Office at
No.4A, Third Floor, Raja Annamalai Buildings,
Marshalls Road, Egmore,
Chennai - 600 008.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to appoint a 'Returning Officer' to ensure that the forthcoming election in the 3rd respondent Institute is conducted in accordance with its By-laws and also in free and fair manner.

For Petitioner : Mr.T.Mohan
for Mr.S.Anbazhagan

For Respondents : Mr.Rabu Manohar (R1)
Mr.Murali Kumaran (R2)

O R D E R

Mr.Rabu Manohar, learned counsel takes notice for the 1st respondent and Mr.Murali Kumaran, learned counsel takes notice for the 2nd respondent. By consent, the main Writ Petition is taken up for disposal at the admission stage itself.

2.The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the 1st respondent to appoint a 'Returning Officer' to ensure that the forthcoming election in the 3rd respondent Institute is conducted in accordance with its By-laws and also in free and fair manner.

3.It is the case of the petitioner that the 1st respondent constituted the 2nd respondent vide Chapter-II of the Architects Act, 1972. In the Special General Body Meeting of the 3rd respondent Institute held on 11.04.2015, a resolution with respect to the electronic voting system was passed. Thereafter, the 1st respondent issued notice on 25.05.2015 to the 3rd respondent to conduct an election of 5 persons from and among its members of the 2nd respondent Institute, which shall be for a term of three years. The petitioner raised the matter pertaining to the illegalities of the election to the 3rd respondent by way of his communication dated 25.06.2015, followed by a reminder dated 29.06.2015. The petitioner also made a representation to the 1st respondent on the said issue on 01.07.2015, followed by a reminder dated 14.08.2015. Thereafter, in the Special General Body Meeting of the 3rd respondent Institute held on 31.03.2017, a resolution with respect to the conduct of the election was passed reversing its earlier resolution (i.e.) from Electronic Voting System to Ballot Paper Voting System. Thereafter, the petitioner gave a representation to the 3rd respondent on 18.06.2017 requesting to conduct the election as per the by-laws of the 3rd respondent Institute. However, on 06.07.2017, a notice and an agenda of the 3rd respondent Institute Council was issued calling for meeting on 15.07.2017 to decide the schedule and scrutineer for conducting the election for the term 2017-2019 without considering the plea of the petitioner and against the by-laws of the 3rd respondent Institute.

4.Mr.T.Mohan, learned counsel appearing for the petitioner submitted that a Returning Officer may be appointed to ensure that the forthcoming election meeting and also the election is conducted in accordance with its by-laws and also in fair and free manner.

5.Mr.Muralikumaran, learned counsel appearing for the 2nd respondent submitted that the 2nd respondent has no objection for the 1st respondent to supervise the ensuing election meeting and also the election in the 3rd respondent Institute in accordance with its by-laws.

6.Mr.Rabu Manohar, learned counsel appearing for the 1st respondent also submitted that he would instruct the 1st respondent to depute an Officer for supervising the ensuing election meeting and also the election in the 3rd respondent Institute and to conduct the election in accordance with its by-laws.

7.Further, the learned counsel on either side submitted that an Officer of the 1st respondent may supervise and ensure that the election meeting and also the election to be conducted either on 15.07.2017 or on any other subsequent date is conducted in accordance with the by-laws.

8.In view of the submissions made by the learned counsel on either side, I direct the 1st respondent to depute an Officer to supervise and ensure the election meeting and also the election to be conducted by the 3rd respondent either on 15.07.2017 or on any other subsequent date is conducted in accordance with the by-laws.

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

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary to Government,
Union of India,
Ministry of Human Resource Development,
Shastri Bhawan, New Delhi - 110 001.
- 2.The Registrar,
Council of Architecture,
"India Habitat Centre",
Core 6A, 1st Floor, Lodhi Road,
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- 3.The President,
Indian Institute of Architects,
Head Office at Prospect Chambers Annexe,
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having its Tamil Nadu Chapter Office at
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Chennai - 600 008.

+1cc to Mr.B.rabu Manohar,Advocate sr.49456

+1cc to Mr.S.Anbzhazhagan,Advocate sr.49482

+1cc to Mr.Muralikumar,Advocate sr.49461

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lrs(co)
ss(14/7/2017)