



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.A.[MD].No.33 of 2017
against WP(MD).No.1121 of 2016
and
C.M.P.(MD).No.397 of 2017

P.Chinnarajan .. Appellants/
6th respondent

Vs.

1.V.P.T.Mathiprakash .. 1st respondent/
Petitioner

2.The District Registrar of Societies,
Virudhunagar, Virudhunagar District.

3.The District Educational Officer,
Aruppukottai,
Virudhunagar District.

4.The Assistant Elementary Educational Officer,
Reddiyapatti, Virudhunagar District.

5.T.U.N.S.Vadyalinga Nadar Higher Secondary
School, Thiruchuzhi, Tiruchuzhi Taluk,
Virudhunagar District, rep. by its
Headmaster. (since it is under direct payment)

6.Hindu Nadar Satirya Vidyasala Primary
School, Thiruchuzhi, Thiruchuzhi Taluk,
Virudhunagar District, rep. by its
Headmaster (since it is under direct payment)

7.A.B.Birla Rajesh .. Respondents 2 to 7/
Respondents 1 to 5 & 7

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent,
<https://hccsresults.gov.in/hccsenvi/cst/> interim order dated 10.01.2017, passed in W.P.(MD).
No.1121 of 2016, by a learned Single Judge of this Court.

Prayer in WP(MD). 1121/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other Writ or Order or Direction in the nature of Certiorarified Mandamus calling for the records of the first respondent herein dated 23.12.2015 relating to granting approval of the Form VII submitted for the Hindu Nadar Uravinmurai Sangam (Registration No.84 of 2000), Tiruchuli, and the 4th and 5th respondent school submitted by the respondents 6 and 7 and quash the same and consequently direct the 1st respondent herein to conduct an election for the Hindu Nadar Uravinmurai Sangam (Registration No.84 of 2000), Tiruchuli, and 4th and 5th respondents schools Educational Agency under the control of an Advocate Commission.

For Appellants : Mr.M.Ajmal Khan,
Senior Counsel
for Mr.A.V.Arun

For 1st respondent : Mr.T.Ponramkumar

JUDGMENT

[Judgment of the Court was made by R.SUBBIAH, J.]

This writ appeal has been filed as against the interim order, dated 10.01.2017, passed by the learned Single Judge of this Court in W.P.(MD).No.1121 of 2016.

2.The main writ petition has been filed by the first respondent herein seeking to quash the approval granted by the first respondent herein, dated 23.12.2015, to Form VII submitted for the Hindu Nadar Uravinmurai Sangam, Tiruchuli and the respondents 4 to 7, and for a consequential direction to the second respondent herein to conduct an election for the Hindu Nadar Uravinmurai Sangam, Tiruchuli, under the control of an Advocate Commissioner. When the matter came up before the learned Single Judge, it was reported by the learned counsel for the appellant that the writ petition is not maintainable without impleading Hindu Nadar Uravinmurai Sangam, Tiruchuli, as a party respondent. The learned Single Judge, though issued a direction to implead the said Sangam as a party respondent, has further directed the District Registrar of Societies to monitor and ensure that no elections are conducted till the next hearing date, in the interest of both parties. Aggrieved over the same, the present Writ Appeal has been filed by the 6th respondent in the writ petition.

3. The learned counsel for the appellant submitted that the election is scheduled to be conducted today ie., on 18.01.2017 at
<https://hcservices.courts.gov.in/hcservices/> that the writ petition filed by the first respondent is not maintainable, since he has not impleaded the sangam and further, he has challenged only the approval granted to Form VII



related to the period 2014-17 and not the election scheduled to be held today. If the first respondent is aggrieved over the acceptance of Form VII, he has to approach only the Civil Court. Without approaching the Civil Court, he has obtained the interim order stalling the election. Thus, he prayed to set aside the interim order.

4. The learned counsel appearing for the first respondent vehemently opposed the prayer made by the appellant by making submission that the writ petition is maintainable.

5. Irrespective of the submissions made on either side, this Court is inclined to modify the interim order granted by the learned Single Judge and accordingly, the order directing the District Registrar of Societies to monitor and ensure that no elections are conducted till the next hearing date, alone is set aside and instead, it is directed that the election shall be proceeded with, however, the result of the election shall not be published and the same will be subject to the result of the writ petition.

6. This Writ Appeal is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

1.The District Registrar of Societies,
Virudhunagar, Virudhunagar District.

2.The District Educational Officer,
Aruppukottai,
Virudhunagar District.

3.The Assistant Elementary Educational Officer,
Reddiyapatti, Virudhunagar District.

+1cc to Mr.A.V.Arun, Advocate SR.No.2934

+1cc to Mr.T.Pon Ramkumar, Advocate SR.No.2919

gcg

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W.A.[MD].Nos.33 of 2017

Dated: 18.01.2017