

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**W.P. (MD)No. 14019 of 2017****and****W.M.P. (MD) .Nos.10959 and 10960 of 2017**

A.Asaitambi

...Petitioner

-Vs-

1. The District Registrar,
Registrar of Societies,
District Registrar Office,
Sivagangai,
Sivagangai District.

2. Hajee K.K.Ibrahim Ali Higher
Secondary School,
Rep.by its President,
Pudur, Ilayangudi,
Sivagangai District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for issuance a writ of Mandamus directing the first respondent to strictly implement the order passed by the first respondent by his proceedings in Na.Ka.No. 1249/A2/2011, dated 10.12.2012 and to appoint an Advocate Commissioner along with the Election Observer to conduct the forthcoming Election for the period of 2018-2020 in the second respondent Society in accordance with law.

For Petitioner	: Mr..K.Mu.Muthu
For Respondent -1	: Mr.G.Muthukannan Government Advocate
For Respondent - 2	: Mr.John

ORDER

This writ petition is filed to direct the first respondent to strictly implement the order passed by the first respondent, by his proceedings in Na.Ka.No. 1249/A2/2011, dated 10.12.2012 and to appoint an Advocate Commissioner along with the Election Observer to conduct the forthcoming Election for the period of 2018-2020 in the second respondent Society, in accordance with law.



2.I have heard Mr.K.Mu.Muthu, learned counsel for the petitioner, Mr.G.Muthukannan, learned Government Advocate for the 1st respondent and Mr.J.John, learned counsel for the 2nd respondent.

3.By consent, the writ petition is taken up for final disposal in the admission stage itself.

4.Mr.J.John, learned counsel for the 2nd respondent would submit that the second respondent has no objection for appointment of Election Officer to conduct election for the 2nd respondent society.

5.The learned counsel for the petitioner and the learned counsel for the second respondent would suggest for appointment of Mr.N.Shanmugha Selvam, Advocate, having office at 85, Law Chamber, Madurai Bench of Madras High Court, as Election Officer for conducting the election.

6.In view of the above submissions, Mr.N.Shanmugha Selvam, Advocate, having office at 85, Law Chamber, Madurai Bench of Madras High Court, is appointed as Election Officer.

7.The Election Officer shall prepare the eligible voters list and conduct enquiry as per the by-laws of the 2nd respondent society. The election shall be conducted in the presence of an observer from the first respondent, as per the order of the first respondent, dated 10.12.2012. If any request comes from the Election Officer, the concerned Police Officer shall provide police protection.

8.The Election Officer is entitled for an initial remuneration of Rs.50,000/- [Rupees Fifty thousand only]. The second respondent shall pay the initial remuneration to the Election Officer forthwith and also bear the incidental expenses, while conducting the election.

9.Accordingly, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To,
The District Registrar,
Registrar of Societies,
District Registrar Office,
Sivagangai,
Sivagangai District.



Copy to:

Thiru.N.Shanmuga Selvam,
Advocate (Cell No.9443366173)
No.85, Law Chamber,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. JOHN, Advocate, SR.No.71184.
+1cc to M/S. K.MU.MUTHU, Advocate, SR.No.71079.
+1cc to Special Government Pleader, SR.No.70322.

W.P. (MD) No.14019 of 2017
07.08.2017

dsk/er

AE/KP/SAR 4/11.08.2017/3P/6C