



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.21171 of 2017
and
W.M.P. (MD) No.17436 of 2017

H.Azed

.. Petitioner

Vs.

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

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

3.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the 1st respondent to strictly implement the order passed by the 1st respondent by this proceedings in Na.Ka.No.1249/A2/2011, dated 10.12.2012 and to appoint an Advocate Commissioner along with the Election Observer for the period of 2018-2020 in the 2nd respondent Society with adequate police protection in accordance with law.

For Petitioner	: Mr.J.John
For R1 & R3	: Mr.J.Gunaseelan Muthiah, Government Advocate.
For R2	: Mr.V.Sitharanjandass

O R D E R

This writ petition has been filed seeking direction to the first respondent to strictly implement the order passed by him in the proceedings in Na.Ka.No.1249/A2/2011, dated 10.12.2012 and to appoint an Advocate Commissioner along with the Election Observer for the period of 2018-2020 in the second respondent Society with adequate police protection in accordance with law.



2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate for the respondents 1 and 3 and the learned counsel for the second respondent.

3. It is seen from the records that in the earlier round of litigation, similar relief was sought for before the learned Single Judge of this Court by some other member in WP(MD)No.14019 of 2017 and the learned Single Judge allowed the writ petition and appointed an Election Officer for conducting election for the second respondent society. Aggrieved by the same, the President of the second respondent therein has preferred WA(MD)No.1149 of 2017 before the Division Bench of this Court. The Division Bench of this Court, after hearing both sides, by the judgment dated 01.09.2017 set aside the order passed by the learned Single Judge and remitted the matter to the learned Single Judge for fresh consideration with the following observations at paragraphs 3 to 5:-

"3. The learned Senior Counsel appearing for the first respondent/writ petitioner would submit that it is true that as per the bylaws, the secretary is the person to contest the case. However, without going into the other issues, this Court may decide the writ petition on merits.

4. We are not constrained to undertake such an exercise. As fairly stated by the learned Senior Counsel that it is the Secretary, who is supposed to represent the Society. In such view of the matter, the consent given on behalf of the society, by the second respondent in the writ petition, to the writ petitioner, cannot be sustained in the eye of law.

5. Such being the case, the order passed by the learned Single Judge stands set aside and the matter is remanded back to the learned Single Judge for fresh consideration."

4. Since the relief sought in the present petition has already been granted by the learned Single Judge of this Court and the same has subsequently been negatived by the Division Bench of this Court, once again, the similar prayer as sought in the present writ petition cannot be granted. Hence, this writ petition is dismissed. No costs. Consequently, W.M.P.(MD)No.17436 of 2017 is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

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

2.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi, Sivagangai District.

+1cc to M/S.B.Prahaladravi, Advocate SR.No. 90075

+1cc to M/S.J.John, Advocate SR.No. 89573

W.P. (MD) No.21171 of 2017

mj

JM/SV MMS/SAR 1/15.12.2017/3P/5C