

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1297 of 2017
and
C.M.P.Nos.18047 and 21278 of 2017

The Indian Institute of Architects
rep. by its President
Head Office at Prospect Chambers
Annexe

Dr. D.N.Rd Fort Mumbai 400 001.
Having its Tamil Chapter Office at
No.4A, Third Floor,
Raja Annamalai Buildings,
Marshalls Road, Egmore
Chennai 600 008.

... Appellant

Vs

- 1 R.Ramaraju
- 2 Union of India
rep. by its Secretary to Government
Ministry of Human Resource Development
Shastri Bhawan New Delhi 110 001.
- 3 Council of Architecture
rep. by its Registrar
"India Habitat Centre"
Core 6A 1st Floor Lodhi Road
New Delhi 110 003.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.7.2017 passed in W.P.No.17917 of 2017 on the file of this court.

W.P.No.17917 of 2017:-

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 Bye - Laws and also in free and fair manner

For appellant : Mr.R.Bharanidharan
For R1 : Mr.T.Mohan for
Mr.A.Anbazhagan
For R2 : Ms.Sunitha Kumari
For R3 : Mr.R.Gopinath for
Mr.Muralikumaran

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the appellant having aggrieved against the order passed by the learned Single Judge directing the Union of India the second respondent herein to depute an Officer to supervise and ensure the election meeting and also the election to be conducted by the appellant herein either on 15.7.2017 or on any other subsequent date is conducted in accordance with the by-laws.

3. It appears that the above order was sought to be reviewed at the instance of the appellant and it was accordingly, clarified by the same learned Single Judge to the effect that the term 'by-laws' referred to in the order refers only to the existing by-laws and a party cannot rely upon a repealed by-law and except such clarification, no error apparent on the fact of the record was found.

4. The matter relates to conduct of election of the appellant-Institute in a fair manner. On perusal of the order passed by the learned Single Judge both in the writ petition and the subsequent review and also in the facts and circumstances of the case, we find that the order passed by the learned Single Judge in directing the Union of India to depute an officer to supervise the ensuing election of the appellant-Institution is not at all prejudicial to the interest of the Institution, but, only to assure that the election would be conducted in a fair manner. Therefore, we do not find anything to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeal, is dismissed. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Secretary to Government
Ministry of Human Resource Development,
Union of India, Shastri Bhawan
New Delhi 110 001.
- 2 The Registrar,
Council of Architecture
"India Habitat Centre"
Core 6A 1st Floor Lodhi Road
New Delhi 110 003.
3. The President
The Indian Institute of Architects
Head Office at Prospect Chambers Annexe
Dr. D.N.Rd Fort Mumbai 400 001.
Having its Tamil Chapter Office at
No.4A, Third Floor, Raja Annamalai Buildings,
Marshall's Road, Egmore, Chennai 600 008.

+1cc to Mr.Muralikumaran, Advocate, S.R.No.29419
+1cc to Ms.Sunitha Kumari, Advocate, S.R.No.29088
+1cc to Mr.R.Bharanidharan, Advocate, S.R.No.29715

W.A.No.1297 of 2017

CP(CO)
CS/30/05/18

सत्यमेव जयते

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