

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2018
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.30852 OF 2017
AND
W.M.P.Nos.33775 and 33999 of 2017

Dr.S.Kasi

.. Petitioner

Vs.

1.The Government of Tamilnadu,
Rep. by the Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.

2.The Hon'ble Administrator,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai - 106.

3.Tamilnadu Medical Council,
Rep. by the Registrar,
No.914, Poonamallee High Road,
Arumbakkam, Chennai - 106.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records relating to the impugned proceedings dated 08.11.2017 notifying the elections for the Tamilnadu Medical Council and the Order of the second respondent dated 19.10.2017 communicated by the proceedings of the third respondent in letter dated 07.11.2017 bearing Ref. No.TNMC/G664/2017 and quash the same and direct the respondents to ensure display of the entire updated eligible voters' list on the official website and to ensure proper communication regarding the elections for the office bearers of the Tamilnadu Medical Council for the year 2018 to all the members and to make appropriate provisions for electronic voting facility for all the members and the conduct of the elections in a free, fair and democratic manner.

For Petitioner	: Mr.S.Sivakumar
For Respondents	: Mr.R.Govindasamy for R1 Special Government Pleader Mr.S.Karthikeyi Balan for R2 and R3

O R D E R

The petitioner seeks for the following relief:

To issue a writ of certiorarified mandamus to call for the records relating to the impugned proceedings dated 08.11.2017 notifying the elections for the Tamilnadu Medical Council and the Order of the second respondent dated 19.10.2017 communicated by the proceedings of the third respondent in letter dated 07.11.2017 bearing Ref. No.TNMC/G664/2017 and quash the same and direct the respondents to ensure display of the entire updated eligible voters' list on the official website and to ensure proper communication regarding the elections for the office bearers of the Tamilnadu Medical Council for the year 2018 to all the members and to make appropriate provisions for electronic voting facility for all the members and the conduct of the elections in a free, fair and democratic manner.

2.After notice, the matter was taken up on several occasions earlier and today, it is posted again for further hearing. Learned counsel appearing for the respondents 2 and 3 submitted that the present writ petition is not maintainable in view of the fact that the very same petitioner filed W.P.No.24485 of 2016 with the similar prayer and got it dismissed as withdrawn without getting any opportunity from this Court on 18.08.2017. Therefore, he submitted that the present writ petition is liable to be dismissed as barred by res judicata. Learned counsel for the petitioner, however submitted that since an Administrator was appointed after filing the above said writ petition, the petitioner has chosen to withdraw the writ petition with liberty to move the Administrator. Though such contention is raised by the learned counsel for the petitioner, I do not find any liberty granted by this Court as claimed by the petitioner, while passing the order in W.P.No.24485 of 2016 on 18.08.2017. This Court only dismissed the said writ petition as withdrawn, without granting any liberty to the petitioner. Therefore, I do not think that this writ petition can be maintained by the very same petitioner in the absence of any liberty granted by this Court earlier. Even otherwise as the election process has already commenced, I do not think that the prayer sought for in this wit petition can be entertained during the process of election. Accordingly, the writ petition is dismissed as not maintainable. No costs. The connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vri

To

1. The Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai 600 009.
2. The Hon'ble Administrator,
Tamil Nadu Medical Council,
No.914, Poonamallee High Road,
Arumbakkam, Chennai - 106.
3. Tamilnadu Medical Council,
Rep. by the Registrar,
No.914, Poonamallee High Road,
Arumbakkam, Chennai - 106.

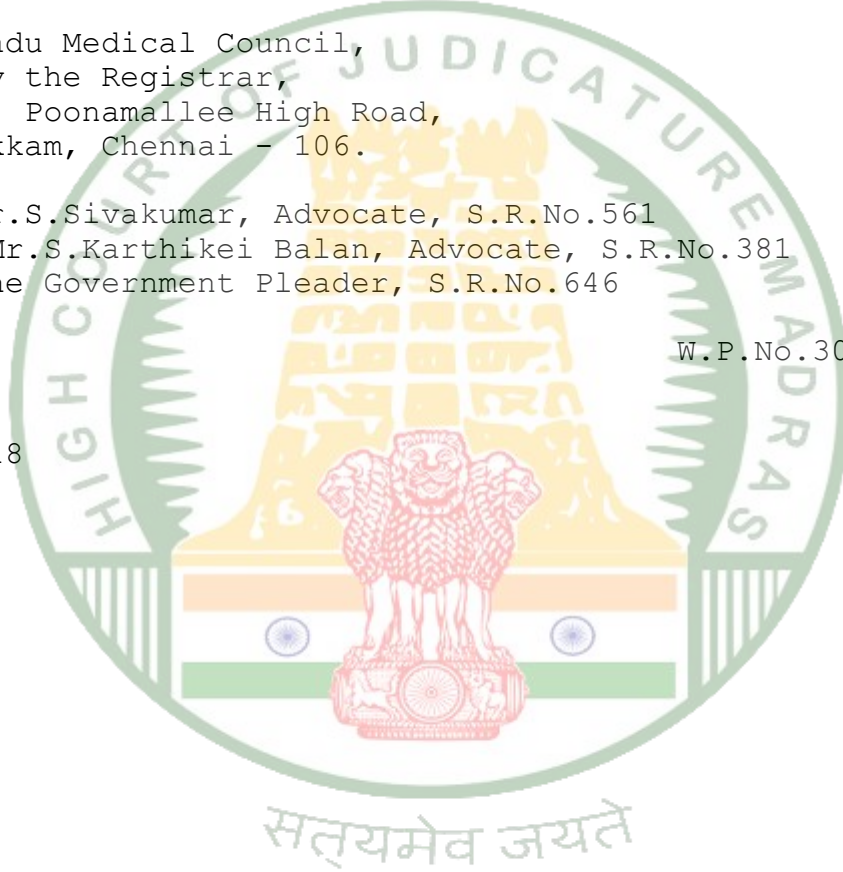
+1cc to Mr.S.Sivakumar, Advocate, S.R.No.561

+2ccs to Mr.S.Karthikei Balan, Advocate, S.R.No.381

+1cc to the Government Pleader, S.R.No.646

W.P.No.30852 of 2017

KAN(CO)
CS/24/01/18



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