

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.8560 to 8562 of 2018 and
WMP.Nos.10495 to 10497 of 2018

Dr.K.Thangamuthu .. Petitioner in W.P.No.8560/2018
Dr.K.Prakasan .. Petitioner in W.P.No.8561/2018
Dr.P.Balakrishnan .. Petitioner in W.P.No.8562/2018

-vs-

1. The State of Tamil Nadu
rep. by its Principal Secretary,
Department of Health and Family Welfare,
Secretariat, Chennai.

2. Tamil Nadu Medical Council
rep. by its Registrar,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai-106.

3.The Administrator/Election Officer,
Tamil Nadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai-106.

4.Dr.Senthil

5.Dr.Jeyasingh

6.Dr.Thiyagarajan

7.Dr.Dhalapathy

8.Dr.Sadagopan

9.Dr.Ponnuraj

10.Dr.R.V.S.Surendran

.. Respondents in all W.Ps.

Petitions under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the 1st
respondent to dispose of the petitioner's representation dated
12.3.2018.

For Petitioners

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Mr.C.Kanagaraj

For Respondents

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Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader for R1
Mr.P.Wilson,

Senior Counsel
for Mr.Richard Wilson
for R4 to R10
Mr.G.Sankaran for R2

COMMON ORDER

The Writ Petitions have been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to dispose of the petitioners' representation dated 12.3.2018 wherein the petitioners have sought for cancellation of election and to conduct a fresh election for Tamil Nadu Medical Council among other reliefs.

2. Learned Counsel for the petitioner submitted that the petitioners have contested for the election of member of Tamil Nadu Medical Council at Chennai for the year 2017-2018 and it is stated that the 3rd respondent/Administrator has conducted the election without following the rules and regulations laid down under the Tamil Nadu Medical Council Rules. Further, the learned Counsel for the petitioners submitted that Section 17 (3) of the Madras Medical Registration Act contemplates that the Government may, on their own motion or on objection made, declare any election that has been held to be void on account of corrupt practice or any other sufficient cause and may call on the electoral to make a fresh election. Therefore, the petitioner in W.P.No.8562/2018 has filed W.P.No.4442/2018 seeking permission to see the Video Footages from 12.1.2018 at his own cost as per the rules found in Form V (ii) (iii) (iv) (v) of the Tamil Nadu Medical Council Rules. This Court, by order dated 1.3.2018, while disposing of the said writ petition has given liberty to file an appeal before the 1st respondent, who in turn, on receipt of the same shall consider and dispose of the same on merits and in accordance with law. Thereafter, though the petitioners have preferred a representation/appeal on 12.3.2018, the same have not been considered. Hence the present Writ Petitions.

3. Mr.P.Wilson, learned Senior Counsel appearing for the respondents 4 to 10 submitted that although the petitioners obtained an order from this Court in W.P.No.4442 of 2018 dated 01.03.2018 to prefer an appeal under Section 17 of the Act to the 1st respondent, the respondents 4 to 10 are having some reservation on the applicability of Section 17 of the Act on their representation/appeal. Therefore, they should also be heard along with the petitioners before disposing of the said representations/appeals filed under Section 17 of the Act.

4. The learned Counsel for the petitioners have also got no objection for hearing the respondents 4 to 10.

5. Heard the learned Special Government Pleader appearing for the 1st respondent and Mr.G.Sankaran, learned Counsel for the 3rd respondent.

6. In view of the above, this Court directs the 1st respondent to consider the representations/appeals dated 12.3.2018 filed by the petitioners under Section 17(3) of the Madras Medical Registration Act and to dispose of the same on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this Order after hearing both the petitioners as well as the respondents 4 to 10.

7. The Writ Petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary,
State of Tamil Nadu,
Department of Health and Family Welfare,
Secretariat, Chennai.

2. Registrar,
Tamil Nadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai-106.

3. The Administrator/Election Officer,
Tamil Nadu Medical Council,
New No.914, Old No.569,
Poonamallee High Road,
Arumbakkam, Chennai-106.

+1 CC to Mr.C.Kanagaraj, Advocate sr 30263.

+1 CC to Govt. Pleader sr 31301.

W.P.No.8560 to 8562/2018

AD(CO)
SP(04/05/2018)