

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.16091 of 2018

S.Manoharan

.. Petitioner

Vs

1.The Tahsildar,
Chidambaram Taluk,
Chidambaram District.

2.The Superintendent of Police,
Cuddalore District,
Cuddalore.

3.The Deputy Superintendent of Police,
Chidambaram,
Cuddalore District.

4.The Inspector of Police,
Annamalai Nagar,
Chidambaram,
Cuddalore District.

5.P.Natesan

6.C.G.Raghu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the proceedings in Na.Ka.A2/1972/2018, dated 18.06.2018, on the file of the first respondent and quash the same and consequently appoint a retired District Judge as a Chief Election Officer to conduct the Annamalai University Employees Association Election 2018 at Annamalai University Campus, Annamalai Nagar, Chidambaram, on 27.06.2018 or on any date fixed by him.

For petitioner

: Ms.Dakshayani Reddy
for Mr.S.Sithirai Anandam

For R1 to R4 : Mr.V.Jayaprakash Narayanan,
Spl.GP

For R5 : Mr.K.P.Jotheeswaran

For R6 : Mr.S.Giritharan

O R D E R

By way of filing this writ petition, the petitioner, who is the President of the Annamalai University Employees Association, seeks to quash the impugned proceedings dated 18.06.2018 of the first respondent / the Tahsildar, Chidambaram directing the Association not to conduct the election citing law and order problem. He further sought for a direction to appoint a retired District Judge as the Chief Election Officer to conduct the Annamalai University Employees Association Election, 2018.

2. Ms.Dakshayani Reddy, learned counsel appearing for the petitioner submitted that as per the Byelaw No.14 of the petitioner Association, Executive Committee is consisting of 7 members, namely, (1) President, (2) Vice President, (3) General Secretary, (4) Joint General Secretary, (5) Secretary, (6) Treasurer and (7) Joint Treasurer and these Executive Committee members are elected in the General Body Meeting for three years. Whiles, since the tenure of the Executive Members expires in this academic year, in the General Body Meeting held on 12.06.2018, it was unanimously resolved to conduct the election for the executive members on 27.06.2018. Subsequently, sixth respondent made a representation to the Tahsildar / first respondent herein alleging that the office bearers of the association has not shown the proper accounts maintained by the Association. On receipt of the said representation, the first respondent, after hearing both the parties, vide his impugned proceedings dated 18.06.2018, directed the Association not to conduct the election citing law and order problem. Aggrieved thereby, it is contended that in the absence of any law and order problem, the first respondent has erroneously passed the present impugned proceedings, hence, she pleaded, in view of such apprehension, a retired District Judge may be appointed as Chief Election Officer so as to conduct the Annamalai University Employees Association Election, 2018, in a free and fair manner. The said Chief Election Officer can be permitted to use the office of the Annamalai University Campus and all members of the petitioner Association are prepared to cooperate with the Chief Election Officer.

3. Learned counsels for the respondents 5 and 6 have also agreed to appoint a retired District Judge as Chief Election Officer to conduct the election in a peaceful manner.

4. In view of the above, Mr.C.Raghavan, former Principal District Judge of Madurai District, is hereby appointed as Chief Election Officer to conduct the Annamalai University Employees Association Election, 2018, on the following terms:-

(a) this Court hereby fixes a sum of Rs.1,00,000/- as remuneration to the learned Judge payable by the petitioner Association.

(b) the learned Judge shall make out an application before the Superintendent of Police, Cuddalore, seeking police assistance for conducting the election in a peaceful manner and on receipt of such application, the Superintendent of Police, Cuddalore, shall depute responsible police personnel for the said purpose.

(c) the learned Judge is at liberty to approach the University Authorities for any assistance on the administrative side and the said Authorities shall cooperate with the learned Judge in all aspects. All the Members of the petitioner Association are hereby directed to cooperate with the learned Judge to conduct their election.

5. With the above directions, the writ petition is disposed of. The Registry is directed to forthwith communicate a copy of this order to the learned Judge. No Costs. Consequently, connected miscellaneous petitions are closed.

rkm

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Tahsildar,
Chidambaram Taluk,
Chidambaram District.

2.The Superintendent of Police,
Cuddalore District, Cuddalore.

3.The Deputy Superintendent of Police,
Chidambaram, Cuddalore District.

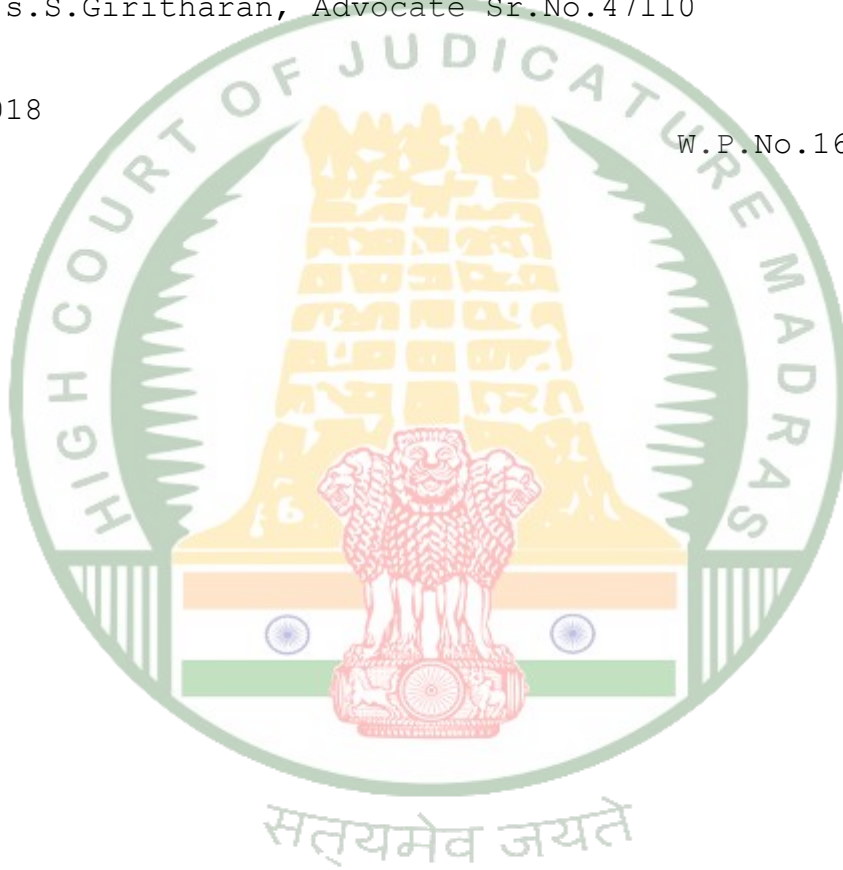
4.The Inspector of Police,
Annamalai Nagar,
Chidambaram, Cuddalore District.

Copy to:Mr.C.Raghavan(former Principal
District Judge)
Door.No.3, Ponnusamy Street,
Royapettah, Chennai 600 014
Ph.No.9444219663

+1cc to M/s.S.Sithirai Anandam, Advocate SR.No.47134
+1cc to M/s.S.Giritharan, Advocate Sr.No.47110

RJI (CO)
sm:19.7.2018

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