



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

W.P(MD)No.6393 of 2018

P.V.Surendran

: Petitioner

Vs.

1. The Secretary to the Government,
Law Department,
St. George Fort,
Chennai - 600 009.
2. The Secretary to the Government,
Commercial Taxes and Registration Department,
St. George Fort,
Chennai.
3. The Government of Tamil Nadu,
represented by
The Chief Secretary,
St. George Fort,
Chennai - 600 009.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to make suitable amendments in the Tamil Nadu Societies Registration Act to establish a separate Tribunal to try Election Disputes cases relating to the societies registered under the Tamil Nadu Societies Registration Act, 1975, with provision for appeal or revision before a Senior Judicial Officer in the rank of District Judge, challenging the orders passed by the Election Tribunal.

For Petitioner

: Mr.T.R.Subramanian

For Respondents

: Mr.A.K.Baskarapandian
Special Government Pleader

**O R D E R***********

[Order of the Court was made by **The Hon'ble Chief Justice**]

This writ petition has been filed seeking a writ of Mandamus, directing the respondents to make suitable amendments in the Tamil Nadu Societies Registration Act, 1975, to establish a separate Tribunal to try Election Dispute cases relating to societies registered under the Tamil Nadu Societies Registration Act, 1975.

2. The relief has been sought on the basis of a news report in the Hindu, published on 23rd December, 2011, reporting that K.Chandru,J., who has since retired, had disposed of a writ petition in the Madurai Bench of this High Court, suggesting amendments to the Tamil Nadu Societies Registration Act, 1975, to create a Special Tribunal to adjudicate election dispute cases.

3. First of all, the order of K.Chandru,J., is not appended along with the typed set of papers filed in the writ petition. The news report indicates that the Court made a suggestion that amendments be carried out to create Special Tribunals to adjudicate election dispute cases to registered societies.

4. Enactment of laws including amendment of laws, is a legislative function under the scheme of separation of powers. This Court cannot encroach into the legislative function and direct the Legislature to enact law. This would amount to usurpation by Court, of legislative function. This Court could, at best, have made a suggestion and thus, that is what seems to have been done by K.Chandru,J., If the suggestion is not accepted, it is not for the Court to enforce acceptance of the suggestion. Be it noted that, the issue has been put at rest by an order dated 23rd April 2013, of a Division Bench of co-ordinate strength comprising Chitra Venkatraman and S.Vimala, JJ., in W.P(MD)No.6732 of 2013, [P.V.Surendran v. The Secretary to the Government, Law Department, St. George Fort, Chennai and another], being a writ petition filed by the writ petitioner himself. This writ petition is clearly barred by principles of *res judicata*/analogous principles.

5. The writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to the Government,
Law Department,
St. George Fort,
Chennai - 600 009.

2. The Secretary to the Government,
Commercial Taxes and Registration Department,
St. George Fort,
Chennai.

3. The Chief Secretary,
Government of Tamil Nadu,
St. George Fort,
Chennai - 600 009.

+ 1 cc TO Mr.T.R.Subramanian , Advocate in SR No. 58023
+ 1 cc TO The Special Government Pleader in SR No. 58980

NB/RSB

AE/SKN RSK/SAR3/12.04.2018/3P/6C

**ORDER MADE IN
W.P (MD) No.6393 of 2018
26.03.2018**