



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.16229 of 2018

and

W.M.P. (MD) No.14454 of 2018

S.Sankaran

... Petitioner

vs.

1. The District Registrar of Society
Virudhunagar District
Virudhunagar

2. The Aruppukottai Devangar
Mahajana Sabha
rep.by its Secretary
Thangasalai
Aruppukottai
Virudhunagar District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the first respondent to ensure free and fair election to the Aruppukottai Devangar Mahajana Sabhai by nominating an officer subordinate to the first respondent as an observer for holding the election to Aruppukottai Devangar Mahajana Sabhai by considering the petitioner's representation dated 9.07.2018 within a stipulated time.

For Petitioner : Mr.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.M.Murugan
Government Advocate for R1

ORDER

Mr.M.Murugan, learned Government Advocate, takes notice for the first respondent. Notice to the second respondent is dispensed with in view of nature of the order to be passed by this Court.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his representation dated 09.07.2018 seeking to ensure free and fair election to the Aruppukottai Devangar Mahajana Sabhai by nominating



an officer subordinate to the first respondent as an observer for holding the election to Aruppukottai Devangar Mahajana Sabhai, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 09.07.2018 in the light of Section 26(4) of the Tamil Nadu Societies Registration Act, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To
The District Registrar of Society,
Virudhunagar District,
Virudhunagar.

+2 CC to Mr.AJMAL ASSOCIATES, Advocate in SR.No.75461 & 75107
+1 CC to the Special Government Pleader, SR.No.74884

KRK
RJ/RP/SAR-2/30/07/2018 - 2P/5C

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