



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE V. PARTHIBAN

W.P. (MD) No.17591 of 2018

and

W.M.P. (MD) No.15467 of 2018

A.Ramasamy

... Petitioner

vs.

- 1.The District Collector,
Collectorate Complex,
Theni.
- 2.The District Revenue Officer
Collectorate Complex, Theni.
- 3.The Superintendent of Police
Theni District, Theni.
- 4.The Deputy Superintendent of Police,
Andipatti Sub Division,
Theni District.
- 5.The Revenue Divisional Officer,
Collectorate Complex, Theni.
- 6.The Tahsildar,
Andipatti, Theni District.
- 7.The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni District.
- 8.The Registrar of Societies,
Office of the District Registrar,
Periakulam, Theni District.

9.K.S.Ravindran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 8 to ensure and conduct free and fair election for the management of Saliyar Mahajana Sangam, Jakkampatti in proper way as per the byelaws.



For Petitioner : Mr.A.Arunachalam

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader for R1 to R7

Mr.M.Murugan

Government Advocate for R8

Mr.D.Nallathambi for R9

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ORDER

Mr.K.Mu.Muthu, learned Additional Government Pleader, takes notice for R1 to R7. Mr.M.Murugan, learned Government Advocate, takes notice for R8. Mr.D.Nallathambi, learned counsel, takes notice for R9.

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

3. The prayer sought in this writ petition appears to be a speculative one presuming that the election to the Society will not be conducted in a fair and proper manner. If any direction is issued on such apprehension, this Court would be forced to presume that the election would not be conducted freely and fairly. The jurisdiction of this Court cannot be invoked on the basis of certain vague apprehension and averments. Therefore, this Court is of the view that the writ petition as such is not maintainable and it is pre-mature. In case, the petitioner is aggrieved by the conduct of the election in violation of the bye-laws of the Society, it is always open to him to challenge the same, if he is so advised. Therefore, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1.The District Collector,
Collectorate Complex,
Theni.

2.The District Revenue Officer,
Collectorate Complex, Theni.

3.The Superintendent of Police,
Theni District, Theni.

4.The Deputy Superintendent of Police,
Andipatti Sub Division,
Theni District.



5.The Revenue Divisional Officer,
Collectorate Complex, Theni.

6.The Tahsildar,
Andipatti, Theni District.

7.The Inspector of Police,
Andipatti Police Station,
Andipatti, Theni District.

8.The Registrar of Societies,
Office of the District Registrar,
Periakulam, Theni District.

+1CC to Mr.D.Nallathambi Advocate in SR.No.77244.

+1CC to Mr.Arunachalam, Advocate in SR.No.77428.

+1CC to Special Government Pleader in SR.No.77447.

KRK

DS/RSK/SAR-4 :14.08.2018: 3P/12C

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