



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) Nos.18478 and 18479 of 2018

and

W.M.P (MD) .Nos.16379 to 16381,16382 and 16383 of 2018

S.Jafer Ali

: Petitioner in both petitions
Vs.

1.Sadakathullah Educational Society,
through its Secretary,
Palayamkottai, Tirunelveli-11.

2.The District Registrar (Societies),
Palayamkottai,
Tirunelveli.

3.The Returning Officer,
Sadakathullah Educational Society,
Tirunelveli.

:Respondents in both petitions

PRAYER in W.P(MD).No.18478 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in க.எண்.5119/ஆ2/2017 dated 16.07.2018 of the second respondent and to quash the same as illegal and consequently directing the second respondent to fix the reasonable amount as nomination fee within the time frame as fixed by this Court.

PRAYER in W.P(MD).No.18479 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned Election Notification dated 01.08.2018 of the third respondent and to quash the same as illegal and consequently directing the third respondent to fix the reasonable amount as nomination fee within the time frame as fixed by this Court.

For Petitioner : Mr.J.Ashok
For R1 & R3 : M/s.Isaac Chambers
For R-2 : Mr.M.Murugan
Government Advocate

COMMON ORDER

The impugned order dated 16.07.2018 passed by the second respondent clearly held that the parties shall approach the appropriate Court and seek remedy, as they may be advised. Instead of approaching the proper forum, namely, competent Civil Court in order to establish the rival claims between the petitioner and the other contesting persons, the petitioner has approached this Court



by invoking the jurisdiction under Article 226 of the Constitution of India.

2. This Court is of the considered view that such writ petitions involving adjudication of factual disputes cannot be decided by this Court in writ Jurisdiction. Therefore, both the Writ Petitions are not maintainable and the same are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS-II)

To

The District Registrar (Societies),
Palayamkottai,
Tirunelveli.

+1cc to Mr. ISAAC CHAMBERS, Advocate, SR.No. 80226

+1cc to M/s. Special Government Pleader, SR.No. 80255

W.P. (MD) Nos. 18478 and 18479 of 2018
and

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RMK

KK/RP/SAR-2/01.10.2018/2P-4C