



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.21074 of 2017

and

W.M.P.(MD).Nos.17363 to 17366 of 2017

R.K.Elango

... Petitioner

vs.

1.The Union of India,
rep by its Secretary to Government,
Ministry of Finance,
Government of India,
New Delhi.

2.The Insurance Regulatory and
Development Authority(IRDA)
Rep by its Chairman,
Parishram Bhavan,
3rd Floor, Basheer Bagh,
Hyderabad-500 004.

3.Indian Institute of Surveyors & Loss Assessors,
Rep by its President,
Admn Office at Plot No.315, Paras Chambers,
D.No.3-5-890, Himayat Nagar,
Hyderabad-500 029(TS)

4.The Election Officer-IIISLA (appointed by IRDA)
Mr.V.Devanathan,
Head Technical & Projects,
General Insurance Council,
Royal Insurance (National Insurance) Building,
5th Floor, 14, J Tata Road,
Church Gate,
Mumbai-400 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification dated 14.10.2017 issued by the 4th respondent prescribing an election schedule to the Central Council of Indian Institute of Insurance Surveyors and Loss Assessors and quash the same and consequently forbear the respondents from conducting election to the Central Council of Indian Institute of Insurance Surveyors and Loss Assessors without accepting the payment of subscription amount paid by members of the



institute - IIISLA towards annual membership fee and issue receipts without insisting for payment of subscription to the IIISLA benevolent fund and include them in the rolls of the Institute and in the list of eligible voters.

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For Petitioner	: Mr.N.Dilipkumar
For R1	: Mr.P.Paulpandi
For R2 & R4	: Mr.S.Anwar Sameen
For R3	: Mr.G.Prabhu Rajadurai

O R D E R

When the Writ Petition is taken up for hearing today, it is represented by both side counsel that the grievance projected in the writ petition has been settled amicably, as indicated in Paragraph Nos.4 and 7 of the counter affidavit filed on behalf of the third respondent herein.

2.The averments as found in Paragraph Nos.4 and 7 are extracted hereunder:

"4.I submit that after due deliberations between the council member of the answering Respondent, it has been decided to accept the demand of the petitioner raise by him in the present Writ Petition. In the light of members view and minutes recorded thereof during the meeting held on 24.03.2018 at Hyderabad, the IBF membership is now not mandatory. The Central Council has passed a necessary amendment in "Rules and Regulation" of IIISLA Benevolent Fund. Necessary notice was also issued explaining the terms of IIISLA Benevolent Fund Scheme 2018-19.

7.I further undertake that for impending elections of the Council Members and other functionaries, due to be held this year, the list of eligible members shall include names of members irrespective of whether they want to subscribe to the benevolent fund or not, and the non-subscription to benevolent fund shall not serve disqualification for contesting election for any post as per the Articles of Association and Memorandum of Association of the Respondent Institute."

3.In view of the above, no orders need to be passed in this writ petition. Hence, this Writ Petition stands closed.

4.However, the learned counsel appearing for the petitioner would submit that the third respondent may be directed to extend the time for payment of subscription.

5.In this regard, without expressing any opinion, this Court directs the petitioner to make a representation seeking extension of



time for payment of demand of subscription and such representation is made, the third and fourth respondents shall consider the same and pass necessary order. No costs. Consequently, the connected miscellaneous petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar(Crl.Side)

Sub Assistant Registrar(CS-III)

To:

1.The Secretary to Government

The Union of India,
Ministry of Finance,
Government of India,
New Delhi.

2.The Chairman,

The Insurance Regulatory and
Development Authority(IRDA)
Parishram Bhavan,
3rd Floor, Basheer Bagh,
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3.The President,

Indian Institute of Surveyors & Loss Assessors,
Admn Office at Plot No.315, Paras Chambers,
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4. Mr.V.Devanathan,

The Election Officer-IIISLA (appointed by IRDA)
Head Technical & Projects,
General Insurance Council,
Royal Insurance (National Insurance) Building,
5th Floor, 14, J Tata Road,
Church Gate,
Mumbai-400 020.

1 CC TO Mr.N.Dilipkumar , ADVOCATE IN SR No.91833.

- 1 CC TO Mr.T.Antony Arulraj , ADVOCATE IN SR No.91651.
- + 1 CC TO Mr.P.Paulpandi , ADVOCATE IN SR No. 91477.

ns

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