

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.06.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.14192 of 2019

and

W.M.P.Nos.14239 & 14242 of 2019

K.Arul

...Petitioner

vs

1. The District Registrar,
O/o. Registration Department,
Collectorate, Namakkal.

2. The Election Officer,
Election Committee,
Namakkal Taluk Lorry Owner's Association,
No.87, Salem Road, Namakkal.

3. R.K.Ravi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.No.2664/E/2019, dated 30.04.2019 and quash the same and consequently directing the respondents 1 and 2 to conduct reelection for the post of Secretary in the Namakkal Taluk Lorry Owner's Association, Namakkal.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.M.Thamizharasan
for R1 & R2

: Mr.D.Sathyaraj
for R3.

O R D E R

Learned Counsel appearing for the Petitioner seeks permission of this Court to withdraw the Writ Petition and he has also made an endorsement to that effect, which is recorded.

2. Learned Counsel for the Third Respondent submits that before permitting the Petitioner to withdraw the Writ Petition, the following submissions made in his memo dated 26.06.2019 may also be placed on record:-

"1. The Third Respondent states that the Petitioner herein has filed the above Writ Petition on 03.05.2019 and sought for the relief of restraining the Third Respondent from assuming the charges in the post of Secretary in Namakkal Taluk Lorry Owners Association, Namakkal and also sought the relief of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the First Respondent in his proceedings Na. Ka. No. 2664/E/2019, dated 30.04.2019 and quash the same and consequently directing the First and Second Respondents to conduct re-election for the post of Secretary in the Namakkal Taluk Lorry Owner's Association, Namakkal.

2. When the above Writ Petition came up before this Hon'ble Court for admission this Hon'ble Court was pleased to issue the notice to the Respondents and refused to grant the stay against the Third Respondent. Hence on 05.06.2019 the Petitioner herein has filed the Suit for declaration before the District Court Namakkal in O.S. No. 211/2019, for the same relief.

3. The Third Respondent submits that the prayer in the Writ Petition and O.S. are one and the same. Further the Petitioner suppressed the pending proceedings of the Writ Petition in the Complaint and tried to obtain the injunction against the Third Respondent.

4. The Petitioner submits that the above Original Suit came up before the District Court Namakkal on 24.06.2019 for the appearance of the Third Respondent. Accordingly the Third Respondent appeared through this Counsel and represented that the Petitioner suppressed the Writ filed before this Hon'ble High Court and the prayer in the Writ Petition and O.S. are one and the same, therefore the suit is not maintainable. In turn the Counsel appearing for the Petitioner submitted the above Writ Petition was withdrawn. Therefore there is no bar for proceeding the suit.

5. The Third Respondent submits that on 24.06.2019 the suit was not withdrawn by him, only today the matter is listed before this Hon'ble Court under the caption for withdrawal. It evidently show that the Petitioner mis-represented before the District Court Namakkal, to overcome the same the Petitioner approached this Hon'ble Court very hurriedly and

sought the permission to withdraw the above Writ Petition.

6. The Third Respondent submits that since the Hon'ble Court refused to grant the stay against the Third Respondent at the time of admission. Therefore the Petitioner filed a separate suit before District Court Namakkal with for the same relief sought in the Writ Petition to obtain the injunction against the Third Respondent and represented that the present Writ Petition was withdrawn by him. It is clearly shows the attitude and malofide intension of the Petitioner."

3. In view of the endorsement made by the Learned Counsel for the Petitioner, the Writ Petition is dismissed as withdrawn. Consequently, the connected Miscellaneous Petitions are closed. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

ebsi/rkp

To

1. The District Registrar,
O/o. Registration Department,
Collectorate, Namakkal.
2. The Election Officer,
Election Committee,
Namakkal Taluk Lorry Owner's Association,
No.87, Salem Road,
Namakkal.

+2 CCS to Mr.C.Prakasam, Advocate sr 53315, 52928.

+1 CC to Govt. Pleader sr 53419.

WEB COPY

W.P.No.14192 of 2019

SP(16/08/2019)