



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2019

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.5748 of 2019
and W.M.P.(MD).No.4531 of 2019

S.Jayahar .. Petitioner

Vs.

1.The District Registrar,
Madurai South, Madurai.

2.A.M.S.G.Ashokan

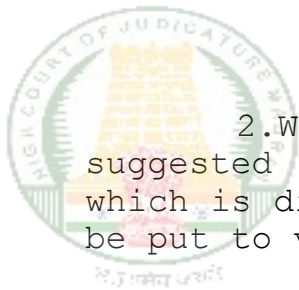
3.Dr.P.Mahedraavel .. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to issue appropriate direction and take necessary action against the N.M.S.S.Vellaichamy Nadar Kalloori Peravai (Registration No.83 of 1972), Nagamalai, regarding the conduct of the proposed EGM in pursuant to the notice dated 01.03.2019 published by the 2nd respondent with an Agenda to remove the 3rd respondent from the post of President of the said Society.

For Petitioner	:	Mr.G.Prabhu Rajadurai
For Respondent 1	:	Mr.M.Murugan Government Advocate
For Respondent 2	:	Mr.Isaac Mohanlal Senior counsel for Mr.J.Ashok
For Respondent 3	:	Mr.E.V.N.Siva Mr.N.Balakrishnan Advocate Commissioner

ORDER

The subject matter pertains to the affairs of N.M.S.S.V.N.College society. This Court, by order dated 11.02.2019, in W.P.(MD).Nos.65, 1662 and 1673 of 2019 gave a direction, for convening the Extraordinary General Body Meeting on 24.03.2019 in the College Campus, to enable the General Body to decide whether the incumbent Secretary Ashokan and incumbent Treasurer Mariappan can continue in the office. Thiru.N.Balakrishnan, Advocate was appointed as the Observer and Advocate Commissioner, to conduct the General Body Meeting. Thereafter, requisition was submitted to remove Thiru.Mahendraavel, the President of the Society also. Therefore, the said motion was also proposed to be put up for voting on the same date. That is under challenge in this writ petition.



2. When the matter was taken up for hearing, this Court suggested to both parties that in the same General Body Meeting which is directed to be convened by this Court, both the motions can be put to vote.

3. The learned counsel on either side agreed to the suggestion given by this Court. They filed a joint memo. It reads as under:

"1. The Secretary of N.M.S.S.V.N. College society will forthwith inform the General Secretary of Nadar Maharjana Sangam that the suspension of 167 members by the Parent Society - NMS in the Executive Committee Meeting held on 13.02.2019 shall be withdrawn. So as to enable the above said members of participate in the Extraordinary General Body Meeting schedule to be held on 24.03.2019 at N.M.S.S.V.N. College Campus.

2. It is agreed by the parties that in the Extraordinary General Body Meeting scheduled on 24.03.2019 at N.M.S.S.V.N College Campus, instead of discussions of the Agenda from 9.00 a.m. to 10.00 a.m. with regard to the proposal to remove and substitute the existing Secretary and Treasurer followed by the other agenda from 10.00 a.m. to 10.30 a.m. with regard to the proposal to remove and substitute the existing President and thereafter, have the polling from 10.30 a.m. to 3.30 p.m. now there will be direct polling from 9.00 a.m. onwards till 3.30 p.m. for all the three proposals to remove and substitute the President, Secretary and Treasurer.

3. The model ballot papers are furnished to the petitioner's counsel herewith.

4. It is agreed that ballot papers will contain the photograph of the candidates."

4. In the earlier order dated 11.02.2019, this Court had observed that Extraordinary General Body meeting will be conducted in the presence of Advocate Thiru.N.Balakrishnan and that he will oversee the counting process. It is made clear that Thiru.N.Balakrishnan is not only Observer, but something more. He will ensure that the directions given by this Court, vide order dated 11.02.2019, in W.P.(MD).Nos.65,1662 and 1673 of 2019 and in this writ petition are complied with in letter and spirit. It is open to Thiru.N.Balakrishnan to take the assistance of the Jurisdictional police. The jurisdictional police is mandated to carry out the instructions of the Advocate Commissioner in this regard. The College staff will be at the disposal of the Advocate Commissioner for ensuring the conduct of smooth and peaceful polling process.



5. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/True Copy/

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Sub Assistant Registrar

To

1. The District Registrar,
Madurai South, Madurai.

+1cc to M/S.S.Ashok, Advocate, SR.No.56033

+1cc to Special Government Pleader, SR.No.55970

W.P (MD) .No.5748 of 2019
21.03.2019

SP/22.03.2019/ 3P/4C