



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 7479 of 2019 and

W.M.P. (MD) No. 5972 of 2019

Jahir Hussain

... Petitioner

Vs.

1. The District Registrar,
Department of Registration,
Madurai District,
Madurai.

2. The Secretary,
Madurai Muslim Ikiya Jamath,
No.114, North Veli Street,
Yanaikal, Madurai - 01.

3. The Election Officer,
Madurai Muslim Ikiya Jamath,
No.114, North Veli Street,
Yanaikal, Madurai - 01.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to forbear respondents 2 and 3 to conduct Ikiya Jamath election scheduled to be held on 31.03.2019 without giving voting rights to the petitioner's members.

For Petitioner : Mr.K.Naveetharaja

For R-3 : Mr.Mahaboob Athiff

O R D E R

Heard the learned counsel appearing for the Writ petitioner and the learned counsel appearing for the third respondent.

2. The third respondent has issued an election schedule and it has been announced that the election will be held on 31.03.2019 to elect the committee members of the second respondent Jamath. The petitioner's grievance is that he has not been given any voting right. He therefore wants this Court to direct the first respondent to forbear respondents 2 and 3 from conducting the proposed election. As rightly contended by the learned counsel appearing for the third respondent, the prayer in the Writ petition cannot be granted.



3. It is highly doubtful, if the first respondent can assume the power that is projected in this Writ petition under Section 36 of the Tamil Nadu Societies Registration Act 1975. Secondly, in matters involving the election disputes of the registered societies, the remedy for the aggrieved individual is only to move the civil Court and bye laws of the society cannot be enforced in Writ proceedings. More than anything else the third respondent had already announced the election schedule. The voter list was issued on 11.03.2019. The election is to be held on 31.03.2019 which is hardly two days away. It is well settled that when once the election process has commenced, it cannot be prevented midstream. This principle will apply not only to the election for legislative bodies but even to the elections of the registered societies.

4. For all these reasons, I am not in a position to grant relief to the Writ petitioner. However, it is made clear that all the rights of the petitioner are left open. He can always approach the civil Court or any other forum for vindicating his rights.

5. This Writ petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

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pmu

KK/SAR/03.05.2019/ 2P- 4C