



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.08.2019
CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.A(MD)No.853 of 2019
and
C.M.P. (MD)Nos.7383; 7384 and 7386 of 2019**

P.Palanichamy : Appellant/Petitioner

.vs.

1.The District Registrar (Societies),
Madurai South, Place Road,
Madurai -1.

2.Madurai Keela Santhai Pettai
Nadar Uravin Murai,
(Regn No.28/1964), No.5,
Kondithozhu Vadakku Santhu,
Madurai -9
Rep. by its Defacto Secretary
S.N.Shanmuganathan

3.S.N.Shanmuganathan

4.P.M.G.Harharasudhan : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P. (MD)No.12689 of 2019, dated 24.06.2019.

Prayer in WP(MD). 12689/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the 1st respondent to conduct election at the 2nd respondent society for the period 2019 to 2022 as per the voter list prior to the date of 06.09.2009 immediately after the completion of enquiry in the light of order dated 27.04.2019 passed in W.P.(MD). No.10693 of 2019 and under his direct supervision and through the Advocate Commissioner / Election Officer that may be appointed by this Honble Court in this regard within a time limit fixed by this Honble Court.

JUDGMENT

[Judgment of the Court was delivered by **K.RAVICHANDRABAABU, J.**]

This writ appeal is directed against the final order made in W.P.(MD)No.12689 of 2019, dated 24.06.2019.

2.The appellant is the writ petitioner. He sought for issuing a writ of Mandamus directing the first respondent to conduct election at the second respondent Society for the period from 2019 to 2022 as per the voter list prior to the date of 06.09.2009 immediately after the completion of the enquiry in the light of the order dated 27.04.2019 passed in W.P.(MD)No.10693 of 2019 and under his direct supervision through the Advocate Commissioner / Election Officer that may be appointed by this Court in this regard within a time fixed by this Court.

3.The Writ Court, after taking note of the submissions made by both parties and also the order passed on an earlier writ petition filed by the very same petitioner in W.P.(MD)No.10693 of 2019, dated 27.04.2019, disposed the writ petition as follows:-

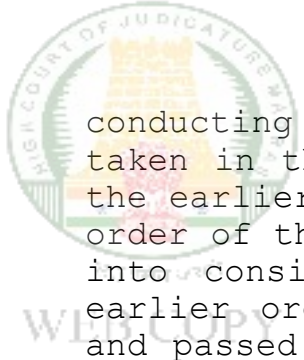
"12.In that view of the matter, this Court is inclined to pass the following order:

That as directed by this Court in the earlier order in W.P.(MD)No.10693 of 2019, dated 27.04.2019, the first respondent shall complete the enquiry and pass final order within the time stipulated in that writ petition. While taking decision, the first respondent shall also take into account the claim and counter claim of the parties herein ie., the petitioner and the contesting respondents with regard to the validity of the voters list. Once such decision is made, depending upon the outcome of the decision, a committee to be appointed as decided by the present Executive Committee of the second respondent/Society shall fix the schedule for election and at any rate, since the officer bearers term expires in September, 2019, the election shall be completed on or before 3rd September, 2019, so that, a newly elected office bearers will be in a position to take office immediately after the expiry of the present term."

Feeling aggrieved against the said order of the Writ Court, the writ petitioner filed the present writ appeal.

4.Heard the learned counsel appearing for the appellant and perused the materials placed before this Court.

5.Though the learned counsel appearing for the appellant <https://hoseinreports.com/hoseinreports> contended that the General Body Meeting, to be conducted, will have some adverse effect on the interest of the petitioner and others and therefore, this Court has to intervene and stop the



conducting of such General Body Meeting before ever a decision is taken in the enquiry, which is already directed to be completed in the earlier writ petition, we are not inclined to interfere with the order of the Writ Court, since we find that the Writ Court has taken into consideration of the facts and circumstances and also the earlier order passed in W.P.(MD)No.10693 of 2019 dated 27.04.2019 and passed the above order, wherein and whereby the Writ Court has only directed the first respondent viz., the District Registrar (Societies), to complete the enquiry and pass final order on or before 20th August, 2019 and while taking such decision, he is also directed to take into account the claim and counter claim of the parties viz., the petitioner and the contesting respondents with regard to the validity of the voters list. The Writ Court has further directed that once such decision is made, depending upon the out come of the decision, a committee to be appointed, as decided by the present Executive Committee of the second respondent/Society, shall fix the schedule for election. The Writ Court has also observed that since the term of the present office bearers expires in September, 2019, the election shall be completed on or before 3rd weeks of September, 2019.

6. When such being the categorical directions issued by the Writ Court, which, in our considered view, are not affecting anybody's interest, we do not find any reason to interfere with the said order. Accordingly, this writ appeal fails and the same is dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

The District Registrar (Societies),
Madurai South, Place Road,
Madurai -1.

W.A(MD) No. 853 of 2019
14.08.2019

rj2

MK (26.08.2019) 3P 2C