



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twentieth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

WMP(MD) No.23337 of 2019

IN

WP(MD) No.26977 of 2019

V.SWAMINATHAN

... PETITIONER/PETITIONER

Vs

1 THE DISTRICT REGISTRAR(ADMN.),
REGISTRATION DEPARTMENT,
DISTRICT COURT CAMPUS, TRICHY-1.

2 TAMIL NADU RETIRED COLLEGE TEACHERS ASSOCIATION,
REP. BY ITS GENERAL SECRETARY,
NO.3/671, FIRST STREET,
JEEVA NAGAR, COLLECTORATE POST,
DHARMAPURI-636705

3 THE CONVENER
STATE ELECTION COMMITTEE,
TAMIL NADU RETIRED COLLEGE TEACHERS ASSOCIATION,
NO.17, RAJA STREET,
THIRUVARUR-610 001.

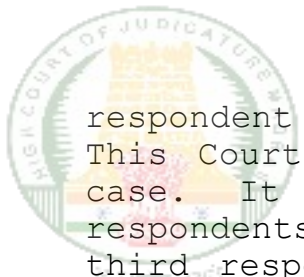
... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant an order of Injunction, restraining the 3rd respondent from proceeding with the election of the State Office Bearers of the 2nd respondent society, pending disposal of the above writ petition and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.SARAVANAN for Mr.N.C.ASHOK KUMAR, Advocate for the petitioner and of Mr.C.RAMAR, Additional Government Pleader for R1 and R3 and of Mr.R.MURALI, Advocate for R2, the court made the following order:-

This Writ Petition is filed for issuing a Writ of Mandamus directing the first respondent to take action against the second

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respondent pursuant to the petitioner's complaint dated 11.12.2019. This Court need not elaborate the facts and circumstances of the case. It transpires from the affidavit and the stand taken by the respondents that an election notification has been issued by the third respondent. The contention of the petitioner in this Writ Petition is that by a decision of the Executive Committee, the eligibility of persons to contest the election has been changed. This Court is convinced that the decision to restrict the members to contest the election, that has now been made by the resolution of the Executive Committee would affect $\frac{3}{4}$ of the members of the society from contesting the election. It is contended that the decision is contrary to the bye-laws and the new eligibility criteria without amendment of bye-laws in the manner prescribed under the Registration Act will affect the functioning of the society in accordance with its constitution. Having regard to the provisions of the Societies Registration Act, this Court is convinced that the election proposed is contrary to the bye-laws of the society and therefore, the petitioner is entitled to an interim order. However, the learned Counsel appearing for the respondents produced before this Court a whatsapp message that was sent to the Counsel with the following information:

"Sir, you may inform the court that the forthcoming 28 12 19 election is postponed. Future course of action regarding the candidate eligibility will be decided by the state executive Council which will be convened in the month of January, 2020. Perumal General Secretary."

2. In view of the decision of the third respondent not to proceed with the election, this Court is of the view that no order need to be passed in the interim application for the present. However, it is made clear that the pendency of the Writ Petition will not stand in the way of parties to proceed further either for amendment of bye-laws in the manner known to law without prejudice to the rights of any one of the parties concerned.

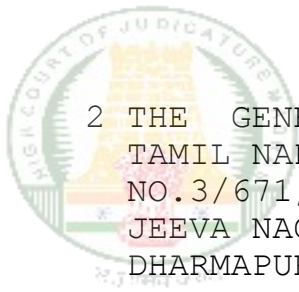
sd/-
20/12/2019

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT REGISTRAR (ADMN.),
REGISTRATION DEPARTMENT,
DISTRICT COURT CAMPUS, TRICHY-1.



2 THE GENERAL SECRETARY,
TAMIL NADU RETIRED COLLEGE TEACHERS ASSOCIATION,
NO.3/671, FIRST STREET,
JEEVA NAGAR, COLLECTORATE POST,
DHARMAPURI-636705

3 THE CONVENER
STATE ELECTION COMMITTEE,
TAMIL NADU RETIRED COLLEGE TEACHERS ASSOCIATION,
NO.17, RAJA STREET,
THIRUVARUR-610 001.

+1. C.C. to Special Government Pleader, Advocate SR.No.106152

ORDER
IN
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IN
WP(MD) No.26977 of 2019
Date :20/12/2019

SRM
AE/PN/SAR-IV (09.01.2020) 3P 5C