



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 7748 of 2020 and

W.M.P. (MD) No. 7230 of 2020

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... Petitioner

Vs.

1. The District Registrar of Societies,
Sivagangai, Sivagangai District.

2. The Secretary,
The Dr.Zakir Husain College Society,
Ilayangudi, Sivagangai District.

3. V.M.Jabarullah Khan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent District Registrar to conduct fair election to the second respondent society, namely, Dr.Zakir Husain College Society, Ilayangudi, Sivagangai District, for the triennium 2020-2023 after giving proper notice to the approved members as per approved Form VI.

For Petitioner

: Mr.S.Xavier Rajini

For R-1

: Mr.V.Anand,

Government Advocate.

For R-2 & R-3

: Mr.M.Thirunavukkarasu

* * *

O R D E R

Heard, Mr.S.Xavier Rajini, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the first respondent and Mr.M.Thirunavukkarasu, learned counsel appearing for respondents 2 and 3.

2. The prayer in this writ petition is for directing the first respondent to conduct fair election to the second respondent society. When the case was taken up for admission, I made it clear that this writ petition may not be maintainable. However considering the fact that the second respondent society is running a college notice was issued. Respondents 2 and 3 entered appearance through counsel and they have filed counter. The learned counsel appearing for respondents 2 and 3 submitted that the period of the executive committee expired on 08.07.2020. He also stated that even before the expiry of the period, the executive committee of the society took steps to convene the general body. Since the number of members



is in hundreds, the society required the permission of the District Administration to convene the general body. Since we are now in pandemic times, the District Administration is said to have denied the request.

3. I take judicial notice of the fact that the Government has imposed severe lock down restrictions. Therefore, it would be impossible for the society to convene the general body till the lock down is in force. Only after the lock down restrictions are lifted, it will be possible for the society to convene the general body. The learned counsel appearing for the society submitted that after the lock down restrictions are lifted, the society will scrupulously adhere to the procedures laid down in the Tamil Nadu Societies Registration Act 1975 and Rules framed thereunder. Section 15(3) of the said Act clearly states that the members of the committee shall be appointed at a meeting of the society by a resolution of a majority of the members present and entitled to vote thereat. If the petitioner desires to contest, certainly the procedure prescribed for holding elections will have to be followed. The learned counsel appearing for the society does not dispute this position.

4. Therefore, recording the said submission of the learned counsel appearing for the society, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

The District Registrar of Societies,
Sivagangai, Sivagangai District.

+1 CC to M/s.S. XAVIER RAJINI, Advocate (SR-13556[F] dated 04/08/2020)

+1 CC to M/s.GP (SR-13521[F] dated 03/08/2020)

W.P. (MD) No. 7748 of 2020

31.07.2020

KK(14.08.2020) 2P 4C

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