



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.9339 Of 2020 and

W.M.P. (MD)No.8495 of 2020

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G.Mohan

... Petitioner

Vs.

1. The District Registrar(Societies),
Administration,
Madurai South,
Madurai.

2. Madurai Ayira Vysya Manjaputhur Mahajana Sabhai,
17, East Marret Street,
Madurai - 625 001,
Represented through its
Secretaries.

3. V.K.P.Baskaran,
President,
Madurai Ayira Vysya Manjaputhur Mahajana Sabhai,
17, East Marret Street,
Madurai - 625 001.

... 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 consider the petitioner's representation dated 03.08.2020 to appoint a receiver and to administer the second respondent Sabhai and to conduct the upcoming election for the period of 2020-2023, since the tenure of the second respondent Sabhai expires on 05.08.2020.

For Petitioner	: Mr.T.Balarathinakumar
For R-1	: Mr.K.Sathiya Singh, Additional Government Pleader.
For R-2& R-3	: Mr.Parthiban Rajaraman

* * *

O R D E R

Heard the learned counsel on either side.

2. This writ petition has been filed for appointing a receiver for administering the second respondent sabhai. The petitioner's counsel points out that the three year period of the executive committee of the sabhai had already expired. He therefore wants this Court to grant the reliefs sought for in the writ



petition.

3. At the very outset, I indicated that I have serious doubt about the very maintainability of this writ petition. Be that as it may, in view of the consensus arrived at between the parties, the writ petition can be disposed of.

4. The learned Government Advocate appearing for the first respondent informed this Court that the Government has issued G.O. (D)No.89 Commercial Taxes and Registration(M1) Department dated 16.06.2020 extending the period of the executive committee that has expired by six more months.

5. The learned counsel appearing for respondents 2 and 3 states that they are ready to hold the elections immediately after the lock down restrictions are lifted.

6. It is seen that the society has thousands of persons as members on its rolls. Therefore, it will be difficult to convene the general body at this stage. Therefore taking note of this submission, the following directions are issued:-

(a) Immediately after the lock down restrictions are lifted, respondents 2 and 3 will arrange to convene the general body meeting without any delay. Of course the procedures set out in the Tamil Nadu Societies Registration Act 1975 and the Rules framed therein will be scrupulously adhered to.

(b) The first respondent will nominate a special observer to oversee the electoral process.

7. This writ petition stands disposed of with these directions.

8. I make it clear that all the grievances and contentions of the petitioner are left open. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

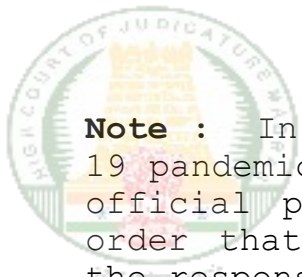
Assistant Registrar

// 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.

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To:

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+1 CC to M/s.GP (SR-14193[F] dated 17/08/2020)

W.P. (MD)No.9339 of 2020
17.08.2020

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