



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.11726 of 2020

and

W.M.P. (MD)No.10182 of 2020

WEB COPY

D.M.Nazir Ahamed

... Petitioner

Vs.

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

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

3. V.M.Jabarullah Khan

4. The District Collector,
Sivagangai.

5. The Thasildar, Ilayankudi,
Sivagangai District.

... Respondents

[Respondents 4 and 5 are *suo motu* impleaded by this Court on
01.10.2020]

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to nominate an observer for holding an election for the executive members and office bearers of the Dr.Zakir Hussain College Society in the light of Section 26(4) of the Tamil Nadu Societies Registration Act, 1975 and consequently, to direct the respondents to use secret ballot for casting the votes of the members of the Society so as to ensure free and fair election process.

For Petitioner	: Mr.Ajmal Khan, Senior Counsel
For R1	: Mr.K.Sathya Singh, Additional Government Pleader
For R2 and R3	: Mr.S.Parthasarathy, for Mr.N.Anand Kumar
For R4 and R5	: Mr.M.Rajarajan, Additional Government Pleader

O R D E R

Heard the learned Senior Counsel appearing for the petitioner,
learned Additional Government Pleader appearing for the first
<https://hcservices.ecourts.gov.in/hcservices/>



respondent and the learned counsel for the second and third respondents.

2. Dr. Zakir Hussain College Society, Ilayankudi, is a Society registered under the provisions of Tamil Nadu Societies Registration Act. The tenure of the executive committee expired in July 2020. Though the management was ready to hold election for electing the office bearers for the next cycle, on account of Covid-19 outbreak, the election to the executive committee could not be conducted. In fact, one A.E.AL.Ameen filed a writ petition in W.P.(MD)No.7748 of 2020 before this Court and by order dated 31.07.2020, this Court noted the stand of the College that the election would soon be held. This writ petition has been filed for directing the District Registrar to appoint an observer under Section 26(4) of the Tamil Nadu Societies Registration Act, 1975.

3. The learned Counsel for the College states that on account of lockdown restrictions, they are not in a position to convene the General Body Meeting.

4. The second respondent states that the election will be conducted on 27.12.2020. All the formalities and procedures laid down in the Tamil Nadu Societies Registration Act and the Rules framed there under and also the bye-laws governing the second respondent Society will be duly adhered to. It is stated that as per Form-VI maintained by the Registrar, there are 1036 members of the society. The District Registrar will appoint an observer under Section 26(4) of the Act.

5. The observer will be present when the election takes place. Since the petitioner has expressed certain misgivings, I make it clear that proper election will be conducted by the second respondent. Of course, if there are no rival contestants, the entire process can be unanimously conducted and there may not be any need for holding the election. But if rival candidates are put up, then obviously, the issue has to be decided not by voice vote but, only by a proper poll. The second respondent assures this Court that pucca arrangements will be made. But, the learned counsel appearing for the second respondent expressed his apprehension that the District Administration may not allow such large assembly of persons.

6. I am of the view that when the NEET exams can be conducted peacefully, then there may not be any difficulty for arranging to hold an election of this kind.

7. The District Collector, Sivagangai, and Thasildar, Ilayankudi are *suo motu* impleaded as respondents 4 and 5.

8. Mr. Rajarajan, learned Additional Government Pleader takes notice for the impleaded respondents 4 and 5.



9.The Returning Officer for the election will give an application well in advance to the District Administration and the District Administration is directed to permit assembling of the members of the second respondent's society for the purpose of holding election.

10.The District Administration as well as the local Body are entitled to issue appropriate advisory and it will be the duty of all members of the Society to strictly adhere to the norms stipulated by the Administration.

11.This Writ petition is disposed of on the above terms.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

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:

1. The District Registrar of Societies,
Sivagangai, Sivagangai District.
2. The Secretary,
Dr.Zakir Hussain College Society,
Ilayangudi, Sivagangai District.
3. The District Collector,
Sivagangai.
4. The Thasildar, Ilayankudi,
Sivagangai District.

+1 CC to the SPL GP (SR-19142[F] dated 06/10/2020)

W.P. (MD)No.11726 of 2020
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SS (CO)
CS (20.10.2020) 3P 6C