



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.22731 of 2019 and

W.M.P. (MD)No.19479 of 2019

WEB COPY

R.Thillairaj

: Petitioner

Vs.

1. The District Registrar(Societies),
Administration, Madurai South,
Madurai - 625 001.

2. The Election Officer,
(Appointed by the Madras High Court-Madurai Bench,
Madurai.)
The Madurai Jewellers &
Bullion Merchants Association,
No.65, West Chettiya Street,
South Avani Moola Street,
Madurai - 625 001.

3. The Madurai Jewellers &
Bullion Merchants Association,
No.65, West Chettiya Street,
South Avani Moola Street,
Madurai - 625 001.
(Rep. by its Secretary.)

: Respondents

4. R.Jagananthan
(R-4 is impleaded vide order dated 20.08.2020
in W.M.P. (MD)No.20207 of 2019)

: Respondent No.4/Proposed Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to recount the votes so far as the petitioner concerned in Roll No.96 in ballot paper which is used in third respondent association election dated 13.09.2019.

For Petitioner	: Mr.T.Balarathinakumar
For R-1	: Mr.V.Anand, Government Advocate.
For R-3	: Mr.M.Rajaraman

* * *

O R D E R

Heard the learned counsel on either side.

2. The petitioner is running a jewellery shop and he is a member of the third respondent association. The subject matter pertains to the election that was held for electing the executive committee last year.

3. It is seen that the writ petitions were filed before this Court in this regard. The petitioner himself filed W.P. (MD)No.17602 of 2019. The said writ petition was taken up along with the other writ petitions and disposed of on 09.09.2019. The election officer was appointed and the results of the elections were also announced. The petitioner states that the counting of the votes was not done properly and he wants recounting. The petitioner's counsel states that there was an arithmetic mistake while counting the votes. He therefore wants this Court to issue direction to the election officer to recount the votes.

4. I am afraid that this relief cannot be granted in the writ proceedings. Any dispute relating to the election will have to be necessarily decided only in a suit. This is all the more so because, the third respondent is an association of merchants. There is no public law element present here. Therefore, giving liberty to the petitioner to move the jurisdictional civil Court, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// 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:

1. The District Registrar(Societies),
Administration, Madurai South, Madurai - 625 001.
2. The Election Officer,
(Appointed by the Madras High Court-Madurai Bench,
Madurai.)
The Madurai Jewellers &
Bullion Merchants Association,
No.65, West Chettiya Street,
South Avani Moola Street,
Madurai - 625 001.
- 3.The Secretary,
Madurai Jewellers &
Bullion Merchants Association,
No.65, West Chettiya Street,
South Avani Moola Street,
Madurai - 625 001.

+1 CC to the SPL GP (SR-14683[F] dated 21/08/2020)

W.P. (MD) No.22731 of 2019
20.08.2020

CS(10.09.2020) 3P 5C