

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.01.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.1756 of 2021

Me.V.Shanmugam

...Petitioner

vs.

1. The Revenue Divisional Officer,
Chennai North,
Ambattur,
Chennai-600 050
2. The Thasildhar,
Thiruvotriyur Taluk,
Thiruvotriyur Taluk Office,
Chennai - 600 019.
3. Annai Sivakami Nagar Grama
Munnetra Sangam,
rep. By its President,
Annai Sivakami Nagar,
Ennore Express way Road,
Chennai - 600 057.
4. The Electoral Officer,
Annai Sivakami Nagar Grama
Munnetra Sangam,
Annai Sivakami Nagar,
Ennore Express Way Road,
Chennai - 600 057.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 and 2 to issue guidelines in consonance with the statutory Bye-laws of the ANNAI SIVAKAMI NAGAR GRAMA MUNNETRA SANGAM" Association for the conduct of the elections dated 31.01.2021.

For Petitioner	..	Mr.P.Madhavan
For Respondents	..	Mr.Annai Ezhil
		Government Advocate
		for R1 to R4

ORDER

The matter is taken up through Web hearing.

This Writ Petition is filed by the Founder Members of the Annai Sivakami Nagar Grama Munnetra Sangam, Ennore Express Way Road, for a Mandamus to direct the respondents 1 and 2 to issue guidelines for the conduct of election scheduled on 31.01.2021 in accordance with the statutory bye-laws of the said Sangam.

2. Mr.P.Madhavan, learned counsel for the petitioner submitted that Annai Sivakami Nagar Grama Munnetra Sangam is a registered Association registered under the Tamil Nadu Societies Registration Act, having its own bye-laws and having its Registration No.234/2013. The said Association was formed in the year 2013 and the election was conducted and the elected bodies are managing the affairs of the Society. For conducting the election for the subsequent period, there was a dispute and the matter has been referred to the 1st respondent Revenue Divisional Officer, Chennai North and he has issued certain directions allowing all the eligible voters to participate in the election. Aggrieved over the same, the present writ petition is filed for a direction to direct the respondents to conduct the election as per the bye-laws.

3. The Revenue Divisional Officer, Chennai North Division has filed a status report that there was a dispute among the two groups in the conduct of election for the Annai Sivakami Nagar Grama Munnetra Sangam and a oral request was made by the Assistant Commissioner, Ennore Circle, to conduct a Peace Committee Meeting. Therefore, he conducted Peace Committee Meeting and in the said meeting, members of the association participated and it was resolved to conduct an election.

4. This Court is unable to understand as to how the Revenue Divisional Officer has acted on the oral request made by the Assistant Commissioner of Police, Ennore and interfered with the affair of the Society and conducted the Peace Committee Meeting. There is no provision under any of the Acts or Rules to enable the Revenue Divisional Officer to conduct Peace Committee Meeting. However, without any basis the first respondent has unnecessarily interfered with the affairs of the Society.

5. The Revenue Divisional Officer, who is also present before this Court has submitted that the said Society itself has become defunct.

6. When the Society itself has become defunct, the question of conducting election and conducting Peace Committee Meeting would not arise at all and also permitting all the villagers, other than the society members, to participate in the election is also not appreciable.

7. Mr.P.Madhavan learned counsel for the petitioner strongly opposed the submission made by the Revenue Divisional Officer. According to him, the Society has not become defunct, it is in operation.

8. This Court heard the rival submissions made on either side.

9. Considering the facts and circumstances of the case, this Court is not inclined to entertain this writ petition. If the Association is a registered one under the Tamil Nadu Societies Registration Act, it can proceed in accordance with their own bye-laws and the 1st respondent/ Revenue Divisional Officer or the 2nd respondent/ Tahsildar are not having any powers to issue any directions for the conduct of election and there cannot be an election as against the bye-laws. Therefore, it is for the competent authorities under the Tamil Nadu Societies Registration Act to conduct the election and not the 1st or 2nd respondents.

10. With the above observation, the Writ Petition stands dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Revenue Divisional Officer,
Chennai North, Ambattur,
Chennai-600 050
2. The Thasildhar,
Thiruvotriyur Taluk,
Thiruvotriyur Taluk Office,
Chennai - 600 019.

3. The President, Annai Sivakami Nagar Grama
Munnetra Sangam,
Annai Sivakami Nagar,
Ennore Express way Road,
Chennai - 600 057.

4. The Electoral Officer,
Annai Sivakami Nagar Grama
Munnetra Sangam, Annai Sivakami Nagar,
Ennore Express Way Road,
Chennai - 600 057.

+1 CC to The Government Pleader sr 5091.

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SP(03/02/2021)



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