

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.2730 of 2021

N.R.Kumaraguru

...Petitioner

Vs

1. The Secretary to the Government,
Commercial Taxes and Registration Department,
St.George Fort,
Chennai 600 009.
2. The District Registrar (Administration),
cum Registrar of Society,
Chennai North, First Floor,
Kuralagam, No.1, Esplanade Road,
Chennai 600 104
3. The Inspector General of Registration,
100, Santhome High Road,
Mylapore, Chennai 600 028.
4. The Joint Secretary,
Kandhakotta Ariya Vysiya Berri Chettiar
Samooga Munnetra Sangam,
P.R.S.Complex,
Old Nos.59 and 60, New Nos.92 and 94,
Rasappa Chetty Street, Park Town,
Chennai 600 003

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the second respondent to appoint a fit person / Advocate Commissioner for convene the 3rd Extraordinary General Body Meeting or Annual General Body Meeting to elect the office bearers of Kandhakotta Ariya Vysiya Berri Chettiar Samooga Munnetra Sangam registered under Certificate of Registration of Societies No.335/2017, dated 27.09.2017 as claimed in the representation dated 24.08.2020 and reminder dated 12.12.2020 in a time bound period.

For petitioner ... Mr.K.Mohanamurali
For respondents 1 to 3 ... Mr.T.M.Pappiah
Spl. Govt.Pleader
For Respondent-4 ... Mr.N.Umapathy

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the second respondent to appoint a fit person/an Advocate Commissioner, who shall convene the 3rd Extraordinary General Body Meeting or Annual General Body Meeting to elect office bearers of Kandhakotta Ariya Vysiya Berri Chettiar Samooga Munnetra Sangam.

2. As seen from the affidavit filed in support of this Writ Petition, the petitioner apprehends that there will not be free and fair election as and when the election is conducted for the aforementioned Society. On that ground, this Writ Petition has been filed.

3. Heard Mr.K.Mohanamurali, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3 and Mr.N.Umapathy, learned counsel for the respondent-4. By consent of all the parties, this writ petition is taken up for final disposal.

4. Mr.N.Umapathy, learned counsel for the respondent-4, on instructions, would submit that the fourth respondent-Society has no objection for appointment of an Advocate Commissioner to oversee the smooth conduct of the election of Kandhakotta Ariya Vysiya Berri Chettiar Samooga Munnetra Sangam. Therefore, by consent, the following order is passed:

(i) Mr.R.Subramanian, Advocate (Enrollment No.1297/2004) having office at No.12, Kondi Chetty Street, 2nd Floor, Chennai 600 001 (Mob.No. 98416 44743) is appointed as an Advocate Commissioner to convene the 3rd Extraordinary General Body Meeting or Annual General Body Meeting to elect office bearers of Kandhakotta Ariya Vysiya Berri Chettiar Samooga Munnetra Sangam.

(ii) The Advocate Commissioner appointed by this Court shall conduct the election in

accordance with the bylaw of the aforementioned Society.

(iii) Whenever if need arises, the Advocate Commissioner is permitted to seek police protection for the smooth conduct of the election.

(iv) The Advocate Commissioner's initial remuneration is fixed at Rs.25,000/- (Rupees twenty five thousand only), which shall be paid by the fourth respondent-Society.

5. With the aforesaid direction, the Writ Petition is disposed of . No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The Secretary to the Government,
Commercial Taxes and Registration Department,
St.George Fort,
Chennai 600 009.
 2. The District Registrar (Administration),
cum Registrar of Society,
Chennai North, First Floor,
Kuralagam, No.1, Esplanade Road,
Chennai 600 104
 3. The Inspector General of Registration,
100, Santhome High Road,
Mylapore, Chennai 600 028.
- +1 cc to Mr.K.Mohanamurali, Advocate, S.R.No.6939
- +1 cc to Mr.N.Umapathi, Advocate, S.R.No.7129

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PPA (CO)
RN(10/02/2021)