

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.4205 of 2021

and

W.M.P.No.4800 of 2021

Dr.R.Vinod Kumar

...Petitioner

Vs

1. The Registrar of Societies,
Chennai Central,
No.268, Bharathi Salai,
Express Estate, Royapettah,
Chennai 600014.
 2. Indian Association of Conservative Dentistry
and Endodontics,
Rep by its General Secretary,
Dr.R.S.Mohan Kumar,
No.63, G3 and G4, Usman Court,
Eldams Road, Alwarpet,
Chennai 600 018
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to inquire into the affairs of 2nd respondent-Association under Section 36(2) of the Tamil Nadu Societies Registration Act, 1975 and Cancel the election notification issued on 05.01.2021 by the second respondent.

For Petitioner : Mr.P.Thangaraj

For Respondent-1 : Mr.T.M.Pappaiah
Special Government Pleader

For Respondent-2 : Ms.Pramila Iyer

ORDER

The petitioner has come up with this Writ Petition seeking a direction to the first respondent to enquire into the affairs of second respondent-Association under Section 36 (2) of the Tamil Nadu Societies Registration Act, 1975 and the election notification issued on 05.01.2021 by the second respondent.

2. The petitioner is a Dental practitioner specialised in the field of conservative Dentistry and Endodontics. The second respondent-Association is registered with the first

respondent. The petitioner has joined as a member in the second respondent-Association in the year 2007. The newly elected Executive Committee members, who were elected in the Annual General Meeting held in Mumbai on 30.11.2019, decided to conduct the 21st Indian Association of Conservative Dentistry and Endodontics (IACDE) National PG Convention in Belgaum, Karnataka from 27.03.2020 to 29.03.2020. Due to Covid-19 pandemic situation, the Belgaum PG Convention postponed to 06.11.2020 to 08.11.2020 and it is further decided that the 35th IACDE National Conference and Annual General Meeting 2020 was scheduled to be held in the same venue in Belgaum. However, the second respondent did not conduct the Belgaum conference in the month of November, 2020, but conducted the meeting at Chennai on 05.12.2020 and the Executive Committee had decided to change the venue of 35th National Conference from Belgaum to Guwahati in the last week of February 2021. However, these developments were not communicated to any of the members of the Association. In the meanwhile, the tenure of the erstwhile Executive Committee has come to an end in November 2020. Hence, the so called erstwhile Executive members, who have participated in the Executive Committee meeting in Chennai, have no powers to change the venue of the Annual General Meeting. Thereafter, the petitioner sent an e-mail on 27.12.2020 to the President to conduct the election in On-line mode, for which, a reply was also sent by the second respondent. In the meanwhile, the second respondent issued the impugned election notification on 05.01.2021, informing the members that the election shall be held in off-line "electronic mode". Therefore, the petitioner has given a detailed representation to the first respondent on 27.01.2021, requesting them to direct the second respondent to conduct the election in on-line mode. However, there is no progress on the said representation. Hence, the petitioner is before this Court.

3. Heard both sides and perused the materials available on record.

4. It is stated by the learned counsel for the second respondent that the election has already been conducted in Guwahati only on considering the Covid-19 pandemic situation and the results were also declared.

5. According to the learned counsel for the petitioner, out of 5310 members in the association, only 400 members have taken part in the said election. Hence, the election has not been held in a transparent manner.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 27.01.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner

and the persons interested in this regard and by affording them an opportunity of personal hearing or virtual hearing, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Registrar of Societies,
Chennai Central,
No.268, Bharathi Salai,
Express Estate, Royapettah,
Chennai 600014.
2. The General Secretary,
Indian Association of Conservative Dentistry
and Endodontics,
Dr.R.S.Mohan Kumar,
No.63, G3 and G4, Usman Court,
Eldams Road, Alwarpet,
Chennai 600 018

+2cc to Mr.P.Thangaraj, Advocate, S.R.No. 23607

+1cc to the Government Pleader, S.R.No. 23674

सत्यमेव जयते

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PL (CO)

GN(29/06/2021)

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