



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.101 of 2021 and

W.M.P. (MD)No.103 of 2021

WEB COPY

S.Sivamurugan,
S/o.C.Somaiah Nadar,
Partner,
M/s.SR Poly Bags
Shed No.93, SIDCO Industrial Estate,
Kappalur,
Madurai - 625 008.

... Petitioner

Vs.

1. The Registrar of Societies (Administration),
Madurai South, Palace Road,
Madurai.

2. The Election Officers, (2021-23),
Kappalur Industrialists Association,
(Regn. No.351/92 dated 22.10.1992),
Plot No.153, SIDCO Industrial Estate,
Kappalur, Madurai - 8.

3. The Secretary/Treasurer,
Kappalur Industrialists Association,
(Regn. No.351/92 dated 22.10.1992),
Plot No.153, SIDCO Industrial Estate,
Kappalur,
Madurai - 8.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 04.01.2021 and conduct an enquiry with regard to the election notification of the second respondent dated 14.12.2020 which is against the Bye-laws of Kappalur Industrialists Association (Regn.No.351/92) and pass appropriate orders to set aside the same in accordance with law.

For Petitioner

: Ms.Porkodi Karnan

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O R D E R

Heard the learned counsel appearing for the petitioner.



2. The petitioner challenges the election notification issued by the second respondent. The petitioner points out that the impugned notification is not in consonance with the bye-laws governing the society.

3. This writ petition may have to suffer dismissal for two reasons.

4. The first reason is that the election process had already commenced and therefore, this Court would not be justified in entertaining the challenge before conclusion of the election.

5. The second formidable reason is that the impugned notification of the second respondent is not amenable to challenge in the writ proceedings. This writ petition itself is not maintainable.

6. The learned counsel appearing for the petitioner states that this Court can direct the first respondent to consider the objections already submitted by the petitioner at the time of acceptance of Form-VII that may be filed by the newly elected office bearers. This contention can be considered at the appropriate stage. It is not for this Court to pass hypothetical orders. It is not for this Court to do guesswork as regards the course of action that may be adopted by the first respondent. It is open to the petitioner to move this Court at the appropriate stage for appropriate relief.

7. All the contentions of the petitioner are left open. This writ petition stands dismissed *in limine*. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

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:

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+1 CC to Additional Government Pleader (SR-422[F] dated
07/01/2021)

W.P. (MD) No.101 of 2021
05.01.2021

VB (20.01.2021) 3P 5C