



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

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THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD) No.2631 of 2021
and
W.M.P. (MD) No.2176 of 2021

A.Dhavamani

.. Petitioner

vs

1.The Registrar of Societies,
Periyakulam,
Theni District.

2.The President,
Deventhirakula Velalar Government Servants
Professors and Teachers Development Association,
Door No.23, Avudayammal Compound,
Mothilal Street,
Arappalayam,
Madurai 16.

3.The Secretary,
Deventhirakula Velalar Government Servants
Professors and Teachers Development Association,
Door No.23, Avudayammal Compound,
Mothilal Street,
Arappalayam,
Madurai 16.

4.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.

(R4 is *suo motu* impleaded
vide order dated 11.02.2021).

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the 1st respondent from approving the new list of office bearers of State Executive Committee of Deventhirakula Velalar Government Servants Professors and Teachers Development Association published by the respondents 2 and 3 and subsequently directing the respondents to conduct the Election for the State Executive Committee for the above said Association as per the by-law of the Association within the time prescribed by this Court.



For Petitioner : Mr.G.R.Satish
For R1 : Mr.K.Sathiya Singh
Additional Government Pleader
For R4 : Mrs.S.Srimathy
Special Government Pleader

WEB COPY

ORDER

As far as the main prayer sought for by the petitioner in this writ petition is concerned, this Court is of the view that the same is not maintainable. In a dispute of the present nature, this Court by exercising its extraordinary jurisdiction under Article 226 of the Constitution of India cannot resolve any factual controversies as well the rival contention on these aspects and in view of the limited jurisdiction enjoyed by this Court, in respect of the election matters, proper remedy for the petitioner and any rival claimants is only before the competent civil Court and not before this Court. Therefore, the main prayer sought for by the petitioner in this writ petition is not maintainable and therefore, the Writ Petition stands dismissed and any interim order granted by this Court shall stand vacated forthwith. It is open to the petitioner as well as any other aggrieved party to approach the competent civil Court to workout their remedies in a manner known to law, if so they are advised. No costs. Consequently, connected miscellaneous petition is closed.

2.Be that as it may, as far as the issue raised by the learned single Judge of this Court, vide order dated 11.02.2021, is concerned, Mrs.Srimathy, learned Special Government Pleader appearing for the 4th respondent is directed to get instructions from the respondents and be ready to argue the matter in the next date of hearing.

3.The learned Special Government Pleader is also requested to assist this Court in regard to the observation made by the learned single Judge of this Court, vide order dated 11.02.2021.

4.Post the matter on 10.03.2021.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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 Registrar of Societies,
Periyakulam,
Theni District.
- 2.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.
- 3.The Secretary to Government,
School Education Department,
St.George Fort,
Chennai.

+1 CC to Mr.G.R.SATIS, Advocate (SR-6346[F] dated 22/02/2021)

W.P. (MD)No.2631 of 2021
18.02.2021

VB (02.03.2021) 3P 5C