



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.03.2021**

CORAM

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

W.P. (MD) No.4644 of 2021

and

W.M.P. (MD) Nos.3762 & 3763 of 2021

WEB COPY

Vijayakar

... Petitioner

-vs-

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.

4.V.Solairaj

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned notification in Na.Ka.No.100/2021/A6 dated 15/02/2021 passed by the 3rd respondent and quash the same as illegal consequently direct the 3rd respondent not to interfere in the affairs of Parsn Srishti Housing Welfare Society.

For Petitioner : Mr.S.Pakalavan

For R1 to R3 : Mr.R.Murugan

Additional Government Pleader

ORDER

The petitioner claims himself as President of one private Society, which is managing the affairs of the common civic amenities of the housing society, consisting of 177 members. In the course of administrating the society, there was some dispute among its members and it appears that the 4th respondent has approached the 3rd respondent and sought permission to conduct the General Body Meeting for fresh election to the office bearers of the society. The 3rd respondent in response to the representation of the 4th respondent has passed a notification on 15.02.2021, granting permission to conduct the General Body Meeting on 07.03.2021. Notification of the 3rd respondent is the subject matter of challenge in the present writ petition.



2.From the above factual narrative, it could be seen that the bone of contention between the petitioner and the 4th respondent is in regard to conduct of election to the private society, which cannot be a subject matter of adjudication before this Court in a writ jurisdiction. The dispute of this nature cannot be settled without proper investigation of facts and without examining and appreciating the evidence to be let on by both sides with competing rival claims and such adjudication can be undertaken only before the competent civil Court and not before the writ jurisdiction of this Court under Article 226 of the Constitution of India. In an election matter, the normal course for the petitioner is to approach the competent civil Court and not before this Court by invoking the extraordinary writ jurisdiction of this Court and seek to settle the private dispute in the domain of public law remedy.

3.For the above said reasons, the writ petition stands dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-9669[F] dated 09/03/2021)

W.P. (MD) No.4644 of 2021

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VB (22.03.2021) 2P 5C