



WEB COPY

W.A(MD)No.406 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

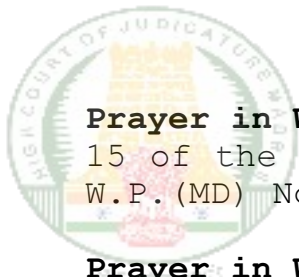
W.A(MD)No.406 of 2022
and C.M.P(MD) No.4112 of 2022

T.Rajakumar

.. Appellant/ 4th Respondent

Vs

1. M/s. Nadar Mahajana Sangam,
Represented by its General Secretary,
No.2, South Chithirai Street,
Madurai - 625 001.
2. M/s. Nadar Mahajana Sangam,
Sa. Vellaichamy Nadar Kalloori Peravai,
Represented through its Secretary,
Nagamalai Pudukkottai,
Madurai - 625 019.
3. M/s. Nadar Mahajana Sangam,
Kamaraj Polytechnic Paripalana Sabai,
Represented through its Secretary,
No.2, South Chithirai Street,
Madurai - 625 001. .. Respondents 1 to 3/ Petitioners
4. The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar,
Rajakampeeram, Othakkadai,
Madurai - 625 107.
5. The District Registrar (Administration),
District Registrar Office,
Madurai (South), Madurai.
6. N. Rajkumar,
The District Registrar (Administration),
District Registrar Office,
Madurai (South),
Madurai.
7. T. Sekaran, .. Respondents 4 to 7/ Respondents, 1 to 3 & 5



Prayer in W.A(MD)No.406 of 2022: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 07.04.2022 made in W.P. (MD) No. 6359 of 2022.

Prayer in WP(MD) . 6359 of 2022 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.2627/E1/2022 dated 31.03.2022 and quash the same as illegal, arbitrary, without jurisdiction and in violation of principles of natural justice.

For Appellant : Mr.C.Arul Vadivel @ Sekar

JUDGMENT

[Delivered by PARESH UPADHYAY, J.]

1. Challenge in this appeal is made to the order dated 07.04.2022 recorded on W.P. (MD) No. 6359 of 2022.

2. Learned advocate for the appellant has submitted that the present appellant / the fourth respondent in the writ petition is not heard before passing the order under challenge. It is also the grievance that he was not even served with the notice on the petition. It is further submitted that, had the appellant been served and heard, he could have pointed out the method and manner in which the election should be conducted. It is submitted that, the election now ordered to be conducted would create difficulties and therefore the impugned order be interfered with or modified. Learned advocate for the appellants has further submitted that the present appellant had made serious grievance against the petitioners who had no authority to hold the election and they had also indulged in mal-practices. It is submitted that this appeal be entertained.

3. Having heard learned advocate for the appellant and having considered the material on record we find that, though there may be some substance in the grievance on behalf of the appellant with regard to the procedure, in substance we find that, the order passed by learned Single Judge is just and proper and does not call for any interference. We note that, learned Single Judge has, without going into the merits, nominated a retired Hon'ble Judge of this Court to hold the election. Since one of the grounds raised in memo of appeal would indicate the colour of an attempt on the part of the present appellant to sabotage the election in question, with a view to make sure about the record before learned Single Judge, we have called for the original record. From record it transpires that, by the subsequent order dated 19.04.2022, the present appellant is



deleted as party respondent.

4. On conjoint consideration of the above we find that, no order adverse to the present appellant is passed and in any case, by the subsequent order he does not remain as party to the said litigation. Further, taking note of this we could have dismissed the appeal leaving it open to the present appellant to seek leave of this Court, however even after grant thereof ultimately the appeal will be required to be heard and therefore we have not resorted to any longer route.

5. Having considered the material on record we find that, whether the present appellant is party respondent, whether he is heard or whether he was served, the final directions given by learned Single Judge is just and proper and therefore no interference is required therein.

6. For the above reasons, this appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition would not survive.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ssm/45

To:

1. The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar,
Rajakampeeram, Othakkadai,
Madurai - 625 107.

2.The District Registrar (Administration),
District Registrar Office,
Madurai (South), Madurai.

+1 CC to M/s.C. ARUL VADIVEL @ SEKAR, Advocate (SR-22391[F] dated 29/04/2022)

+1 CC to M/s.SPL. GP (SR-23067[F] dated 29/04/2022)

W.A(MD)No.406 of 2022

28.04.2022

RD(13.05.2022) 3P 5C