



W.P.(MD)No.16694 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16694 2022

R.Jeganathan

... Petitioner

Vs.

1. The District Registrar,
Registrar of Societies, Madurai South,
Madurai.

2. Madurai Jewellers and Bullion,
Merchants Association,
Represented by its Honorary,
General Secretary B.Loganathan,
Having his office at
No.129/65, Mela Chetty Street,
South Avani Moola Street,
Madurai - 625 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representation dated 11.07.2022 and to supervise the election to be conducted for the second respondent Association and to take all steps to conduct of election in a fair and impartial manner.



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For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.J.K.Jayaselan
Government Advocate for R1
Mr.M.Rajaraman for R2

ORDER

Heard the learned counsel on either sides.

2. The issue pertains to holding of election for the second respondent Association. The prayer in the Writ Petition is for a direction to the District Registrar to supervise the said election. It is well settled that the District Registrar has no jurisdiction either to direct the Society concerned to hold the election or even directly supervise the same. At best, he can appoint an Observer. As per Section 26(4) of the Tamil Nadu Societies Registration Act, 1975, the Registrar may nominate an officer subordinate to him to be present at any general meeting. The role of an Observer has been delineated in the decision in *Periyar Self-Respect Propaganda vs. State of Tamil Nadu and others* (AIR 1988 Mad 27) . The learned counsel for the



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second respondent has no objection for any Observer to be appointed. The first respondent is directed to appoint an Observer to be present during the general body meeting.

3. The second respondent had appointed a retired District Judge to be the Election Officer. Ms.P.Krishnaveni (E.No.911/2002), Women Advocate Association, Chamber-10, Madurai is appointed to assist the learned Election Officer. A sum of Rs.5,000/- (Rupees Five Thousand only) has to be paid as remuneration per day by the Association to the learned Advocate (P.Krishnaveni). On the counting day, it is stated that the services of 30 Lawyers may be required. The petitioner is permitted to furnish a list of 15 Advocates. The Election Officer shall consider the same. The entire process, i.e., holding of general body meeting, holding of election and counting of votes etc., shall be duly videographed. The jurisdictional Police, namely, the Inspector of Police, South Gate Police Station, Madurai is directed to provide bandobust on the election day till the counting is over and results are declared. The cost of bandobust will be borne by the



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Association. The Election Officer shall declare the results as per the by-laws. It is stated that after each round is over, the results will be declared.

4. Accordingly, this Writ Petition is disposed of. No costs.

08.08.2022

Index : Yes / No

Speaking Order : Yes / No

vji

Note: Issue order copy by **08.08.2022**

To

1. The District Registrar,
Registrar of Societies, Madurai South,
Madurai.
2. The General Secretary,
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Merchants Association,
Having his office at
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