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W.P.(MD)NO.17801 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17801 of 2022 and
W.M.P.(MD)Nos.12987 & 12988 of 2022

1. R.Thillairaj

2. B.Dhanagopal

3. S.R.S.Manikandan

... Petitioners

Vs.

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

2. Chinnapandi,
Hon'ble District Judge Retired,
Election Officer,
Madurai Jewellers and Bullion
Merchants Association,
No.129/65, Mela Chetti Street,
South Avani Moola Street,
Madurai – 1.

3. The Secretary,
Madurai Jewellers and Bullion Merchants Association,
No.129/65, Mela Chetti Street,
South Avani Moola Street,
Madurai – 01.

... 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 take immediate action against the third respondent in ensuring the petitioners' participation in the election to the third respondent association for the term 2022-2025 in consideration of the petitioners' representation dated 04.08.2022.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.

For R-3 : Mr.M.Rajaraman

* * *

ORDER

The learned counsel appearing for the writ petitioners on instructions states that this writ petition can be dismissed as withdrawn as against the third petitioner.

2. This writ petition is dismissed as withdrawn as far as the third petitioner is concerned with liberty to pursue his claim in the civil suit.

3. Heard the learned counsel appearing for the writ petitioners 1 and 2 and the learned Additional Government Pleader appearing for the first respondent.



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4. The petitioners want this Court to direct the first respondent to take action against the third respondent in ensuring that they participate in the proposed election that is to be held on 30.08.2022. As rightly pointed out by the learned counsel appearing for the third respondent, the first respondent does not have such power. Therefore, this writ petition is not maintainable. However it is seen that a retired District Judge has been appointed as the election officer. Petitioners 1 and 2 were sought to be removed by the association. The Form-7 containing their removal was presented for being filed by the first respondent. The first respondent declined to accept the same. The proceedings bearing Na.Ka.No.4384/E1/2022 dated 07.06.2022 issued by the first respondent was questioned by the third respondent herein in W.P.(MD)No.14809 of 2022. By a detailed order, the said writ petition was dismissed by me today. The effect of this dismissal is that the writ petitioners 1 and 2 continue to be the members of the third respondent association. If that be so, they are obviously entitled to participate in the proposed election. The second respondent being a retired District Judge



will obviously bear the same in mind. When the learned counsel appearing for the writ petitioner made a mention for taking up the matter on 12.08.2022 (Friday) itself, I made it clear that the rights of the petitioners will not be affected in any manner. The nomination can be filed up to 12.08.2022. Their right to contest cannot arbitrarily be deprived by not issuing the nomination forms. I cannot issue a Writ of Mandamus. But I am certain that the election officer who is a retired District Judge will bear all the legal aspects in mind and act accordingly.

5. With these observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

08.08.2022

Index : Yes / No

Internet : Yes/ No

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To:

1. The District Registrar,
Registration of Societies,
Madurai South, Madurai.
2. The District Judge Retired,
Election Officer,
Madurai Jewellers and Bullion
Merchants Association,
No.129/65, Mela Chetti Street,
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6

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G.R.SWAMINATHAN,J.

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