



WEB COPY



W.P.No.97 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

**THE HON'BLE MR.JUSTICE M.DHANDAPANI**

W.P.No.97 of 2018  
and W.M.P.No.91 of 2018

J.B.Subramanian

. . . Petitioner

vs.

1. The District Collector of Nilgiris,  
Udhagamandalam,  
The Nilgiris-643 001
2. The District Registrar of Societies,  
Udhagamandalam,  
The Nilgiris-643 001.
3. Mr.C.Manickam,  
District Judge (Retired),  
The Election Officer,  
Young Badagas Association,  
No.44, Church Hill Road,  
Udhagamandalam,  
The Nilgiris-643 001.
4. Young Badagas Association,  
Rep.its Secretary,  
No.44, Church Hill Road,  
Udhagamandalam,  
The Nilgiris-643 001.



W.P.No.97 of 2018

5. The President,  
Young Badagas Association,  
No.44, Church Hill Road,  
Udhagamandalam,  
The Nilgiris-643 001.

. . . Respondents

**PRAYER:**Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to Declare the entire Election Process, commencing with the Election Notification dated 21.12.2017, notifying the elections for the Office Bearers to be held on 06.01.2018 for the young Badagas Association, Udhagamandalam, The Nilgiris, including the proceedings dated 24.12.2017 declaring the post of President and Treasurers as elected unopposed, as null and void and consequently direct the 3<sup>rd</sup> respondent Election Officer to notify afresh the Election process in accordance with the old bye-laws and properly conduct the elections to the Yound Badagas Association, Udhagamandalam, The Nilgiris.

For Petitioner : M/s.K.Sridhar

For Respondents : Mr. E.Veda Bagath Singh,  
Special Government Pleader for R1 & R2  
: M/s.C.Manickam,  
Party-in-Person for R3.



W.P.No.97 of 2018

WEB COPY

## **ORDER**

This Writ Petition has been filed for declaration of the Election Notification dated 21.12.2017 notifying the elections which was proposed to be held on 06.01.2018 and the proceedings dated 24.12.2017 declaring the post of President and Treasurers as elected unopposed as Null and Void and for a direction to the 3<sup>rd</sup> respondent Election Officer to notify the Election Process afresh in accordance with old bye-laws.

2. It is case of the petitioner that he is a member of the Young Badagas Association which is functioning for the welfare of the Badaga Community and other communities in the Nilgris Distric. In the year 2016, certain amendments were carried out in the bye-laws of the Association which are wholly detrimental to the members of the Association. Challenging the same, Writ Petition was filed before this Court in W.P.No.3663 of 2017, wherein the said Association was directed to conduct elections as per the old bye-laws. Inspite of the directions of this Court, an undated election notification came to be passed by the 3<sup>rd</sup> respondent as per the amended bye-laws of the Association notifying the elections to be held



W.P.No.97 of 2018

on 06.01.2018. However, no notice was issued even in the Newspaper so as to enable the members of the association to participate in the said election. Challenging the said impugned notification, the present petition has been filed.

3. Learned counsel for the petitioner submits that the entire election process was stayed by this Court vide the interim order dated 04.01.2018. Therefore, this Court may issue a direction to the 1<sup>st</sup> respondent to conduct the election afresh as per the old bye-laws of the said Association and conclude the same in the manner known to law.

4. On the above contention, this Court heard the learned Special Government Pleader appearing for respondents 1 & 2 and the party-in-person for the 3<sup>rd</sup> Respondent who have no objection to the said order being passed.

5. In view of the limited relief sought for by the petitioner and there being no objection from the respondents, without going into the merits of



W.P.No.97 of 2018

the case, this Court directs the 1<sup>st</sup> respondent herein to notify, conduct and conclude the election afresh as per the old bye-laws of Young Badagas Association within a period of twelve weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition stands closed.

**07.03.2023**

NHS

Index : Yes / No

Internet : Yes / No

To

1. The District Collector of Nilgiris,  
Udhagamandalam,  
The Nilgiris-643 001
2. The District Registrar of Societies,  
Udhagamandalam,  
The Nilgiris-643 001.



WEB COPY



W.P.No.97 of 2018

**M.DHANDAPANI, J.**

NHS

W.P.No.97 of 2018

07.03.2023