



WEB COPY



S.A.No.1017 of 2015 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.03.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

S.A.No.1017 of 2015
and W.P.Nos.4422, 8441 and 11393 of 2004 &
WMP.Nos.19631 and 19648 of 2022
and WPMP.Nos.9931 of 2004 and 236 of 2012
and MP.No.1 of 2015

S.A.No.1017 of 2015:

1. S.Balagurunathan
2. T.Subramaniam
3. B.Paramasivam

... Appellants

Vs

1. Sri Prasanna Vinayagar
Thirukoil Scheme (Trust)
rep. by its Secretary T.Visvesiah
2. T.Visvesiah
3. C.Vidyasagar

... Respondents

PRAYER: Appeal filed under Section 100 of the Code of Civil Procedure against decree and judgment passed in A.No.318 of 2014 dated 06.02.2015 on the file of learned XV Additional City Civil Court, Chennai confirming the decree and judgment passed in O.S.No.7081 of 2007 dated 07.07.2014 on the



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file of the learned XVII Assistant Judge, City Civil Court, Chennai decreeing suit in part and praying to set aside the same and dismiss the suit in toto.

For Appellants : Mr.V.Baskaran

For Respondents : Mr.Paramasiva Doss

COMMON ORDER

The learned Advocate Commissioner has finalised the voters list comprising 33 voters as Annexure A duly executed on each page. This will form part of the records and will constitute the list of voters as on the date of this order.

2. There are some objections that have been raised by the parties in regard to the inclusion/non-inclusion of some members. The objections have been duly taken note of by the learned Advocate Commissioner in finalising the voters list prior to approval.

3. Needless to say, seeing as the tenure of the Committee is for a period of 3 years, if the parties come to any material unavailable now, that will have a bearing on the voters list, the same may always be taken into account in the voters list to be finalised prior to the conduct of the next election.

4. With the finalisation of voters list, the field is now clear for the conduct of elections. All parties and procedures followed by the learned Advocate Commissioner are also in consonance that the process has been transparent and



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in compliance with principles of natural justice and due process, they request that there need be no further delay in the conduct of election to the Committee of the Sri Prasanna Vinayagar Thirukoil, with the learned Advocate Commissioner assuming the role of Election officer. The scheme provides for the following as the election rules:

Election Rules:-

The Board of Trustees shall appoint an Election officer once in five year before the end of the month of August.

The Election Officer shall conduct the Election for electing three Trustees.

The Election Rules and voters list must be displayed at the temple premises before one week of the date of Election.

A Voter/Member who has completed 30 years of age can contest the Election as candidate for Trust Board.

If more candidates have filed nomination, those who secured majority of the votes will be elected as members of the committee. If the votes are evenly balanced, the choice will be decided by lot.

5. In accordance with the Scheme, Election Rules are to be finalised and displayed in the temple premises prior to one week of the date of election.

6. An outer time limit of four (4) weeks from date of receipt of a copy of this order is fixed for finalising the election rules, due display in the notice board of the Temple and conduct of election.



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DR.ANITA SUMANTH,J.

WEB COPY 8. With this, no further orders are necessary in the Second Appeal and the same is closed. No costs.

9. As pleadings are complete, list the Writ Petitions for hearing on 03.04.2023. A sum of Rs.1,00,000/- (Rupees one lakh only) is fixed as the final component of fee to be paid to the learned Advocate Commissioner/Election Officer equally by the parties, upon completion of the election process.

03.03.2023

Index : Yes / No
Speaking Order
Neutral Citation: Yes
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To

The Registrar,

XV Additional City Civil Court, Chennai

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