



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 31073 of 2022

Dr.H.Meenakshi

... Petitioner

..Vs..

1. The Honorary Secretary General
Dr.Ashok D.Dhoble
Indian Dental Association Head Office
At 3rd Floor, Unit No. 3A+B Zone-1, DGP House
88 C, Old Prabhadevi Road, Prabhadevi,
Worli, Mumbai – 400 025.
2. The Honorary State Secretary
Dr.K.P.Senthamarai Kannan
The Indian Dental Association Tamil Nadu State
having Office at, Office at Sree Saroja Dental Clinic
Opp. to A.R.Kine Kumarasampatti
Salem – 636 007.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to provide the petitioner membership identity card and also add the name in the voters list for the upcoming elections proposed to be held on 04.12.2022.



For Petitioner :: Mr.S.P.Siva Pradosh

For 1st Respondent :: No appearance

For 2nd Respondent :: Mr. V.Ayyadurai
for Mr.P.Muthukumarasamy

ORDER

This Writ Petition has been filed by the petitioner herein, a medical professional seeking Mandamus directing the respondents, namely, Honorary Secretary General of Indian Dental Association Head Office at Mumbai and the Honorary State Secretary of again, the Indian Dental Association Tamil Nadu State, having office at Salem, to provide membership identity card to the petitioner so that she can participate in the elections which was scheduled on 04.12.2022.

2. The Writ Petition had been filed on 17.11.2022. Let me not enter into a detailed discussion. The fact is that the last date for payment of subscription of existing members to participate in the elections either as a candidate or a member of the electorate was on 31.07.2022. The petitioner herein had applied for, membership only on 31.07.2022. On that particular date, she was not a member. Therefore, by mere application on the last date,



she cannot claim that she can exercise all the rights vested with the members of the association. The membership form will have to be scrutinised and thereafter, an order will have to be passed accepting her membership and making her a member of the Indian Dental Association Tamil Nadu with office at Salem.

3. It is stated by the learned Senior Counsel appearing on behalf of the second respondent stated that the membership identity card of the petitioner had been forwarded to the petitioner herein.

4. I would rather, she concentrates on her medical profession and alleviate the sufferings of poor people by giving them necessary treatment for their dental problems.

5. The learned counsel for the petitioner has much grievances. The learned counsel states that only after the filing of the Writ Petition, did the respondents indicate that they have dispatched the membership card and that even without filing the Writ Petition, a duty had been cast on the respondents to examine the membership application of the petitioner and



should have give her the membership ticket. But it must be noted that the petitioner had applied for membership on 31.07.2022 and had waited till just prior to the elections to seek the relief of obtaining her membership ticket. She could have done that in the month of August or September. She could have done so even in the month of October. She had filed the Writ Petition on 17.11.2022 when the elections were scheduled to be held on 04.12.2022.

6. It is only appropriate that she receives the membership card. I would not examine with much scrutiny, the delay in forwarding the membership card. The petitioner had simply not asked for it. She had given a representation much later. Now, she has got the membership ticket. She can use it. She may not use it. She can even destroy it. It is her choice.

7. With the above said observations, this Writ Petition stands dismissed of. No order as to costs.

03.02.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order



To

WEB COPY

1. Dr.Ashok D.Dhoble
The Honorary Secretary General
Indian Dental Association Head Office
At 3rd Floor, Unit No. 3A+B Zone-1, DGP House
88 C, Old Prabhadevi Road, Prabhadevi,
Worli, Mumbai – 400 025.
2. Dr.K.P.Senthamarai Kannan
The Honorary State Secretary
The Indian Dental Association Tamil Nadu State
having Office at, Office at Sree Saroja Dental Clinic
Opp. to A.R.Kine Kumarasampatti
Salem – 636 007.



WEB COPY



6

C.V.KARTHIKEYAN, J.,

vsg

W.P.No. 31073 of 2022

03.02.2023