



WEB COPY



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 31151 of 2022

And

W.M.P.No. 33098 of 2022

Dr.A.Bagirathan

... Petitioner

..Vs..

1. The Registrar of Societies
Plot No. 419, Udyogsadan Building
Patparganj, Delhi – 110 092.
2. The Honorary Secretary General
Dr.Ashok D.Dhoble
Indian Dental Association
Head Office at 3rd Floor, Unit No. 3A+B
Zone-1, DGP House, 88C, Old
Prabhadevi Road, Prabhadevi Worli
Mumbai – 400 025.
3. The Honorary State Secretary
Tamil Nadu State
Dr.K.P.Senthamaraikannan
The Indian Dental Association Tamil Nadu State
having Office at Office at SreeSaroja Dental Clinic
Opp. to A.R. Line, Kumarasampatti,
Salem – 636 007.



4. The President State
Tamil Nadu State
Dr.K.Umashankar,
Office at
Sree Saroja Dental Clinic,
Opp. to A.R.Line,
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 first respondent to ensure the proper conduct of the election, and appoint an Administrator Cum Election officer who shall be a neutral person to conduct the association elections including preparation and verification of voters list at a neutral venue at Villupuram as it would be a central place for the voters to travel to cast their votes.

For Petitioner	:: Mr. S.P.Siva Pradosh
For RR 1 & 2	:: No appearance
For RR 3 & 4	:: Mr.V.Ayyadurai Senior Counsel for Mr. P.Muthukumarasamy

ORDER

This Writ Petition had been filed by the petitioner seeking appointment of a neutral person to conduct elections for the Indian Dental Association,



Tamil Nadu State, including preparation and verification of voters list at a neutral venue at Villupuram as it would be a central place for the voters to travel to cast their votes.

2. In the Writ Petition, a direction was also sought against the first respondent to ensure that the elections are conducted in a proper manner.

3. In the affidavit filed, the petitioner stated that he is a dental professional. It is really appreciated that he is a dental professional. He also stated that he is a life time member of the Indian Dental Association. Again that particular credential is deeply appreciated. The petitioner had further stated about the Bye-laws of the Indian Dental Association and that elections should be conducted. He had stated that the Annual General Meetings had been failed to be convened and elections were not conducted for various terms. Finally, the elections were scheduled to be held on 04.12.2022.

4. The Writ Petition was filed on 18.11.2022 which was just prior to the date of the elections. The venue of the elections had been fixed at Salem. That decisions was complained since it was stated to be the native



place of the second and third respondents. But it must also be noted that it was the address of the registered office of the third respondent / Indian Dental Association Tamil Nadu State.

5. It had also been stated that owing to that particular fact, the third and fourth respondents had manipulated the membership details and created bogus membership details. Therefore, the petitioner sought a neutral person to be appointed to conduct the elections.

6. The Writ Petition had been meandering around this Court and my learned predecessor had occasion to examine the averments but had not granted stay of the elections. It was also not thought necessary for a neutral person to over see the elections. It was also not thought necessary that the place of election should be shifted to Villupuram from Salem. The Elections had been conducted and the results had been declared.

7. The learned counsel for the petitioner lamented that the elections were conducted behind the back of the petitioner, I am not able to understand that particular fact. If the petitioner is eligible to cast his vote, he should have



gone to the venue and cast his vote. If he is not eligible, he cannot cast his vote.

8. All these issues cannot be examined by this Court sitting in Writ Jurisdiction under Article 226 of the Constitution of India. This Court cannot call into question the elections conducted particularly elections relating to any registered society. The petitioner is at liberty to seek an alternate forum to vent his grievances. Unfortunately, by this date, the elections have already been conducted.

9. It is the case of the petitioner that among the membership list, there were names of bogus persons. If those issues are to be examined, a detailed enquiry would have to be conducted, opportunity would have to be given and those who are alleged to have prepared such membership list, should be permitted to question that particular statement by the petitioner. There are procedures to be followed. Filing a Writ is not the proper procedure.

10. I am not entering into the merits of this Writ Petition.



WEB COPY 11. With the above said observations, this Writ Petition stands dismissed. No order as to costs.

03.02.2023

vsg

(½)

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. The Registrar of Societies
Plot No. 419, Udyogsadan Building
Patparganj, Delhi – 110 092.
2. The Honorary Secretary General
Dr.Ashok D.Dhoble
Indian Dental Association
Head Office at 3rd Floor, Unit No. 3A+B
Zone-1, DGP House, 88C, Old
Prabhadevi Road, Prabhadevi Worli
Mumbai – 400 025.
3. The Honorary State Secretary
Tamil Nadu State
Dr.K.P.Senthamaraikannan
The Indian Dental Association Tamil Nadu State
having Office at Office at SreeSaroja Dental Clinic
Opp. to A.R. Line, Kumarasampatti,
Salem – 636 007.
4. The President State
Tamil Nadu State



WEB COPY

7



Dr.K.Umashankar,
Office at
Sree Saroja Dental Clinic,
Opp. to A.R.Line,
Kumarasampatti, Salem – 636 007.

C.V.KARTHIKEYAN, J.,



WEB COPY



vsg

W.P.No. 31151 of 2022
And
W.M.P.No. 33098 of 2022

03.02.2023
(1/2)