



W.P(MD)No.4574 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4574 of 2023

and

W.M.P.(MD)Nos.4282, 4283 and 4284 of 2023

1.Rabik Raja

2.Peer

... Petitioners

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Registrar (Societies),
Madurai North,
Madurai North Combined Registration Office Building,
Rajakambeeram, Madurai.

3.The Chief Educational Officer,
Madurai District.

4.The Al-Ameen Urudhu Tamil Muslim
Thodakka Paadasalai Nirvaga Committee,
Represented by its Authorized Person,
Melur, Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the 4th respondent by his



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proceedings dated 09.02.2023 and quash the same and consequently direct the 4th respondent to permit the petitioners to cast their votes in the election conducted by the 4th respondent.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 & R2.
Mr.T.Amjadkhan,
Govt. Advocate for R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned Government Advocate for the third respondent.

2.The petitioner has been removed from the membership by the fourth respondent society. The communication dated 09.02.2023 issued by the fourth respondent has been enclosed in the typed set of papers. The fourth respondent is not a state instrumentality. Therefore, the writ petition may not really lie. In any event, the validity of the removal can very well be challenged before the jurisdictional Civil Court. Liberty is granted to the petitioner to file a civil suit in this regard. As and when any civil suit is filed, the same shall be numbered immediately by the jurisdictional Civil Court and disposed of on merits and in



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accordance with law within a period of six months thereafter. If any interim application is filed, it shall be disposed of by the trial Court in the manner it deems fit and the outer limit mentioned above is applicable for disposal of the civil suit. I make it clear that all the contentions and defences of the writ petitioner are left open.

3. With this liberty to the petitioner and direction to the jurisdictional Civil Court, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 02.03.2023.

To:-

1. The District Collector,
Madurai District,
Madurai.
2. The District Registrar (Societies),
Madurai North,
Madurai North Combined Registration Office Building,
Rajakambeeram, Madurai.
3. The Chief Educational Officer,
Madurai District.



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G.R.SWAMINATHAN, J.

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