



W.P.(MD).No.11687 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 29.08.2023**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.11687 of 2023**

S.Kaironraj,  
S/o.Susaimuthu,  
Vice President,  
Tamil Nadu Forest Plantation Corporation  
Employees Union,  
Karur Main Road,  
Mallachipuram,  
Kambarasampettai,  
Thiruchirappalli – 101.

... Petitioner

Vs.

1.The Joint Commissioner,  
Combined Labour Department Complex,  
Sengulam Colony,  
Mannarpuram,  
Trichy – 20.

2.The Additional Registrar,  
Registrar Office of Trade Union,  
Trichirappalli.

3.G.Elumalai,  
President,  
Tamil Nadu Forest Plantation Corporation  
Employees Union,  
Karur Main Road,  
Mallachipuram,  
Kambarasampettai,  
Thiruchirappalli – 101.



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4.Masilamani,  
General Secretary,  
Tamil Nadu Forest Plantation Corporation  
Employees Union,  
Karur Main Road,  
Mallachipuram,  
Kambarasampettai,  
Thiruchirappalli – 101.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to appoint a special officer to conduct an election for the post of President, General Secretary, Treasurer, Vice President, Joint Secretary, Organizing Secretary and Sports Secretary respectively for the registered Tamil Nadu Forest Plantation Corporation Union Registration No.262/1978, Office at Karur Main Road, Mallachipuram, Kambarasampettai, Trichirappalli – 101 and declare the result for the same within the time stipulated by this Court.

|                |                                                 |
|----------------|-------------------------------------------------|
| For Petitioner | : Mr.M.Ramu                                     |
| For RR 1 & 2   | : Mr.M.Prakash<br>Additional Government Pleader |
| For R – 3      | : Mr.A.Ilayaraja                                |
| For R – 4      | : Mr.M.Bharathi Kannan                          |



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**ORDER**

The prayer of the Writ Petition is as follows:-

The present Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the first respondent to appoint a special officer to conduct an election for the post of President, General Secretary, Treasurer, Vice President, Joint Secretary, Organizing Secretary and Sports Secretary respectively for the registered Tamil Nadu Forest Plantation Corporation Union Registration No.262/1978, Office at Karur Main Road, Mallachipuram, Kambarasampettai, Trichirappalli – 101 and declare the result for the same within the time stipulated by this Court.

2.Heard Mr.M.Ramu, learned counsel appearing for the petitioner, Mr.M.Prakash, learned Additional Government Pleader appearing for the respondents 1 and 2, Mr.A.Ilayaraja, learned counsel appearing for the third respondent and Mr.M.Bharathi Kannan, learned counsel appearing for the fourth respondent and perused the materials available on record.



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3.The petitioner is the Vice President of the Trade Union, namely, Tamil Nadu Forest Plantation Corporation Employees Union. According to the Bye-laws of the said Trade Union, the election of the office bearers has to be conducted in the month of January every year in connivance with the General Body Meeting of the said Trade Union. Lastly, the election was conducted in the year 2021 and thereafter, an election notification calling upon to conduct election was notified fixing the election to be conducted on 29.04.2023. Challenging the same, the third respondent as a plaintiff has filed a civil suit in O.S.No.182 of 2023 on the learned District Munsif, Tiruchirappalli, as against one Masilamani and the fourth respondent herein. An interim injunction was granted thereat in I.A.No.2 of 2023 in O.S.No.182 of 2023 restraining the conduct of the election which was scheduled to be held on 29.04.2023. In furtherance to the same, the election was cancelled. As a result of which, the suit has become infructuous. While so, the third respondent/plaintiff in the aforesaid civil suit had filed an application seeking to amend the plaint in O.S.No.182 of 2023 in I.A.SR.No.11324 of 2023 and the same is yet to be numbered and the said suit has been posted for ex-parte evidence on 04.10.2023. In the meanwhile, this Writ Petition came to be filed seeking to appoint a



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Special Officer to conduct an election for the office bearers of the said Trade Union.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that there is no provision for the Additional Registrar of the Registrar Office of the Trade Union to conduct an election for any Trade Union as per the provisions of the Trade Union Act, 1926 and hence, the respondents 1 and 2 are not inclined to interfere with the internal affairs of the petitioner's Trade Union.

5.Per contra, the learned counsel appearing for the petitioner, in that case, requested this Court to appoint an Advocate Commissioner for the conduct of election in the Trade Union. The third respondent vehemently submitted that during the pendency of the civil suit such an election need not be conducted and he pressed for dismissal of the Writ Petition.

6.However, the learned counsel appearing for the petitioner pressed that non-conduct of election would attract serious consequences of cancellation of the Trade Union itself.



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7.Considering the submissions made on either side, I am inclined to appoint an Advocate Commissioner.

8.Accordingly Mr.G.Karthik, M.S.No.1531 of 2018, (Chamber No.96), Plot No.593, K.K.Nagar, Madurai, (Cell No. 9443113838) is appointed as an Advocate Commissioner, who would conduct the election for the office bearers of the Trade Union in accordance with the bye-laws and in terms of seven conditions set out in the election notification, dated 27.04.2023, which was previously notified by the Trade Union and declare the result, within a period of eight weeks from the date of receipt of a copy of this order.

9.The Advocate Commissioner shall be paid a sum of Rs.30,000/- (Rupees Thirty Thousand Only), towards his remuneration by the petitioner within a period of two days and all the other expenses with respect to the election and transportation whatever incurred by the Advocate Commissioner will be meted out by the petitioner. All the parties shall extend their co-operation to the Advocate Commissioner to complete the task assigned to him, within the time stipulated by this Court.



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10.Registry is directed to issue warrant to the Advocate Commissioner forthwith.

11.Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

**29.08.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
ps



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**L.VICTORIA GOWRI, J.**

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