



WP (MD) No.19750 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP (MD) Nos.19750 of 2022 and 16101 of 2023
and**

WMP (MD) No.2198 and 13603 of 2023

WP (MD) No.19750 of 2022

Karikol Rajan

... Petitioner

Vs

The District Registrar of Societies,
58/1, Kacheri Road,
District Registration Office,
Virudhunagar District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to appoint an election officer to conduct election for the Krishnama Rajapalayam Nadar Uravinmurai based on the petitioner's representation dated 01.08.2020 within a time stipulated by this Court.

For petitioner : Mr.PT.Ramesh Raja

For Respondent : Ms.D.Farjana Ghousia,
Special Government Pleader



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WP (MD) No.16101 of 2023

C.C.Palanichami

... Petitioner

Vs

1.The District Registrar of Societies,
District Registration Office,
58/1, Katcheri Road,
Virudhunagar District.

2.The Rajapalayam Krishnama Rajapalayam
Nadar Uravin Murai Sangam,
Represented by its Secretary,
No.73/7, Kamarajar Nagar,
Rajapalayam - 626 117.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 1st respondent to conduct election in fair manner for Rajapalayam Krishnama Rajapalayam Nadar Uravinmurai Sangam by appointing an election officer within a time frame as may be stipulated by this Court.

For petitioner : Mr.PT.Ramesh Raja
For Respondent : Ms.D.Farjana Ghousia,
No.1 Special Government Pleader
For Respondent : Mr.M.Solaisamy
No.2



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ORDER

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These writ petitions are filed pertaining to the affairs of the Krishnama Rajapalayam Nadar Uravinmurai. The writ petition in WP(MD)No.19750 of 2022 is filed by one Karikol Rajan for a writ of mandamus directing the District Registrar of Societies to appoint an election officer to conduct election for the Krishnama Rajapalayam Nadar Uravinmurai Society based on the petitioner's representation dated 01.08.2022. The other writ petition in WP(MD)No.16101 of 2023 has been filed for the same relief for a writ of mandamus directing the District Registrar to conduct election in a fair and proper manner by appointing an election officer.

2.The petitioners in these writ petitions have claimed that the society was established in the year 1965 and the 2nd respondent society has not conducted the election in the proper manner and therefore, the petitioners as well as the others have already approached the District Registrar of Societies in this regard.



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3.The learned Counsel appearing for the petitioners by referring Section 26 of the Societies Registration Act submits that this Section enables the 1st respondent to nominate an officer subordinate to him to be present during the general body meeting. The petitioners apprehending some malpractice in the society has already approached the 2nd respondent to ensure proper election is conducted as per Section 26(4) of the Societies Registration Act and approached this Court for a direction to the 1st respondent to nominate an officer to ensure that fair and proper election is conducted.

Even after taking notice in these writ petitions, the 1st respondent has not taken any steps by appointing any officer and therefore, election was conducted in such a manner without even ballot papers and the very same office bearers were declared as elected and therefore, the learned Counsel for the petitioner contends that a proper election has to be conducted by the 1st respondent.

4.The learned Special Government Pleader appearing for the 1st respondent submits that the election was conducted



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on 09.07.2023 and by referring the same another writ petition was filed with similar prayer in WP(MD)No.2674 of 2023, which was dismissed by this Court on 11.07.2023. She further submits that one Selvam was elected as the Secretary of the society and his Form VII has been accepted by the Registrar of Societies.

5.The learned Counsel appearing for the 2nd respondent Society submits that the election is conducted once in a three years and office bearers are elected in the general body meeting once in a three years. He further submits that the election has already been conducted and Form VII submitted by the 2nd respondent has also been accepted by the District Registrar.

6.This Court considered the rival submissions.

7.The petitioners have already approached the District Registrar for appointment of observer for conducting election. Sub Section 4 of Section 26 of the Societies Registration Act enables the District Registrars to



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nominate observers for the election in the societies.

It appears that the 1st respondent has not deliberately considered the case of the petitioners and ensured that proper and fair election is conducted, despite the petitioners and others approached this Court. Now allegations are made that the election was not conducted in a proper manner. However, the election has been conducted, the officer bearers have been elected and the same has also been approved by the 1st respondent. At this stage, this Court is not inclined to entertain these writ petitions. Accordingly these writ petitions are disposed of with liberty to the petitioners to challenge the election in dispute before the civil court. No costs. Consequently connected miscellaneous petitions are closed.

28.08.2023

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To

- 1.The District Registrar of Societies,
District Registration Office,
58/1, Katcheri Road,
Virudhunagar District.
- 2.The Rajapalayam Krishnama Rajapalayam
Nadar Uravin Murai Sangam,
Represented by its Secretary,
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B.PUGALENDHI, J.

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