



Cont P(MD)No.1049 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR JUSTICE SUNDER MOHAN**

Cont P(MD)No.1049 of 2022

S.Anthony Arul George

... Petitioner

-VS-

Tmt.Kavitha Rani
District Registrar (Societies)
St.Marks Street
Combined Registration Department Office Complex,
Palayamkottai,
Tirunelveli.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to initiate contempt of Court proceedings against the respondent herein and punish the respondent herein for the willful disobedience of the order passed by this Court in W.A(MD)No.520 of 2021, dated 11.03.2021.



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For Petitioner : Mr.M.Vallinayagam
Senior Counsel
for Mr.N.Dilip Kumar

For Respondent : Mr.Veera Kathiravan
Additional Advocate General
Assisted by Mr.M.Ramesh
Government Advocate

ORDER

DR.G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

Alleging that the contemnor has not properly supervise and conduct the election as per the direction of this Court, the present contempt petition is filed.

2. The learned Senior Counsel appearing for the petitioner also relies upon the affidavit of one Shri Maria Devarajan, wherein, it is stated that the election was not properly conducted and he was informed by Mr.Jebastin Anand that he has been elected as “Unopposed” as office bearers of the society which is a false claim. According to the contempt petitioner, no election was conducted on 08.08.2021 and the alleged notification, dated 11.07.2021 for General Body Meeting are all fabricated documents. The respondent has not properly



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supervised the conduct of election as mandate by the Division Bench vide order dated 11.03.2021 and thereby, has committed contempt.

3. The learned Additional Advocate General appearing for the respondent submitted that in view of the conflict between two groups of the society, one of its member by name S.Xavier filed a writ petition in W.P(MD).No.330 of 2021 seeking mandamus directing the first respondent therein to consider his representation dated 24.10.2020 alleging that the existing office bearers are not conducting election even after expiry of the term and consequently, to conduct the fair election to the South Kallikulam Catholic Christian Nadar Mahamai Sangam in accordance with the Tamil Nadu Societies Registration Act and Rules.

4. The learned Single Judge of this Court while disposing the said writ petition, directed the first respondent, namely, the District Registrar to ensure the election to the Executive Committee of the third respondent society and conclude it in accordance with its own by-laws on or before 30.04.2021. Against the said order, one Mr.Jebastin Anand, second respondent in the writ petition, has preferred an appeal before the Division Bench. The Division Bench of this Court



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while confirming the order of the learned Single Judge extended the time for completion of the election and disposed the writ appeal directing the District Registrar (Societies) to conduct and conclude the election to the third respondent Society on or before 31.08.2021.

5. Though in the contempt petition it is contended that no election was conducted and whatever documents produced to show as if the election was conducted and office bearers were elected unanimously is farce and documents are fabricated to that effect, on behalf of the contemnor, the records produced along with the compliance report, wherein, it is stated that pursuant to the orders passed by this Court on 11.03.2021, the Secretary of the Society was directed to conduct the election before 31.08.2021 and submit Form-VII and in reference to the said communication, the Secretary to the third respondent Society has issued election notification dated 11.07.2021 for election date 08.08.2021 and an Annual General Body Meeting was held on 08.08.2021 at Matha Malaikatchi Thirumana Mandabam, South Kallikulam and 207 members were participated and office bearers were unanimously elected. The list of office bearers in Form-VII was submitted and the same got recorded.



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6. The learned Additional Advocate General appearing for the contemnor would further submit that if the petitioner is aggrieved the manner in which the election conducted, it has to be challenged separately and there is no ground for initiating contempt proceedings since pursuant to the direction of this Court, the election been conducted and concluded.

7. The learned counsel for the contempt petitioner would submit that the intention of the Court and the direction of the Court is to supervise the election and conduct a fair election as prayed in the writ petition. Instead, the authorities have just communicate the order of this Court to the secretary and has accepted the list furnished by them as the elected office bearers of the society despite the objection made by one Maria Devarajan, dated 30.06.2021.

8. This Court, on perusing the records and compliance report submitted by the respondent as well as the affidavit filed by Maria Devarajan, S/o.Siluvai Soosai, finds that the grievance of the petitioner is that the existing office bearers in connivance to the secretary has not conduct the election for the society in spite



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of the expiry of the term. In the said background, the learned Single Judge of this Court directed the contemnor to conduct and complete the election within the given time frame and the same was reiterated by the Division Bench and extended the time for completion of election to 31.08.2021.

9. From the records, this Court finds that pursuant to the election notification dated 11.07.2021, election been conducted on 08.08.2021 and the General Body Meeting for the election was held in the Marriage Hall, wherein, 207 members participated and unanimously elected their representatives. The copy of the attendance is also annexed in the typed set of papers.

10. In such circumstances, we do not find any genuineness in the representation of the Maria Devarajan, who has alleged that the election was conducted through Zoom Meeting and result was informed to him by the Jebastin Anand, since the election been conducted after due notice, if any irregularities alleged, the petitioner should have challenge the said election and it cannot be a cause for initiating the contempt since substantially the respondent has complied the direction of this Court by ensuring the conduct of the election and completion of the same.



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11. Hence, this Court finds no reason to invoke the contempt, this contempt petition is dismissed. It is open to the petitioner to challenge the election of the office bearers, if so advised.

[G.J.,J.] [S.M.,J.]
19.01.2023

Index : Yes / No
Internet : Yes / No
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To
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