



W.P(MD)No.24957 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24957 of 2023

and

W.M.P.(MD)Nos.21145 and 21147 of 2023

Vivekananda Educational Society,
Represented by its Secretary,
C.Rajan.

... Petitioner

Vs.

1.The District Registrar (Societies),
O/o. District Registrar,
Nagercoil,
Kanyakumari District.

2.R.Ravichandran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in No.4638/A2/2022 dated 11.04.2022 on the file of the respondent No.1 and quash the same as illegal.



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For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate for R1.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the first respondent. Notice issued to the second has been returned with an endorsement “left India”.

2.The writ petitioner is a registered society. The second respondent herein wanted to contest for the post of Secretary. His nomination was rejected. Challenging the same, he filed a petition before the first respondent. The first respondent vide communication dated 11.04.2022 informed the petitioner that the rejection of the second respondent's nomination form is legal. The said communication is put to challenge in this writ petition.



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3.As rightly pointed out by the learned counsel for the petitioner, the impugned communication is liable to be set aside on more than one ground. Firstly, the decision was arrived at by the first respondent without hearing the petitioner. Secondly, the first respondent also does not have the power or authority to take such a decision. If the second respondent feels aggrieved, his remedy is to go before the jurisdictional Civil Court challenging the election result. Approaching the first respondent was clearly misconceived. The impugned communication is set aside and the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

16.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

The District Registrar (Societies),
O/o. District Registrar,
Nagercoil,
Kanyakumari District.

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