



W.P(MD)No.6164 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6164 of 2024

and

W.M.P.(MD)Nos.5779, 5781 and 5783 of 2024

S.Sahadevan

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar (Admin),
Madurai North,
Rajakambeeram,
Madurai 625 107.

3.Tamil Nadu Naidu Mahajana SanNgam,
Registrtion No. 56/1972,
No.15B, Ayyanar Kovil Street,
Anupanadi, Madurai 625 009.

4.B.Subburaj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings of the 2nd respondent made in Na.Ka.No.5605/E1/2022 dated 12.02.2024 and quash the same as illegal.



W.P(MD)No.6164 of 2024

WEB COPY

For Petitioner : Mr.K.Govindarajan,
For R.Murali.

For Respondents : Mr.C.Satheesh,
Govt. Advocate for R1 & R2.
Mr.C.Sundaravadivel for R3 & R4.

ORDER

Heard the learned counsel on either side.

2.The case on hand pertains to the affairs of Tamil Nadu Naidu Mahajana Sangam. It is admitted on either side that election was last conducted in the year 1999. The writ petitions were filed in the year 2002. They were disposed of only on 17.09.2018. W.P.Nos.22948 and 30567 of 2002 were disposed of with the following directions:-

“26. In the result, the following orders are passed in this writ petition:

(i) The impugned order is set aside.

(ii)The matter is remitted back to the Registrar for reconsideration.

(iii) The resolution of the Executive Committee dated 04.09.1984 and the General Body Resolution dated 06.01.1985



pursuant to the amendment made in By-law 5(e) shall be taken into account and necessary orders shall be passed by the Registrar in registering such amendments under Section 12(3) and 12(4) of the Act.

(iv) Once such registration and approval is given by the Registrar, no doubt the resolution, amending by-law 5(e) will take effect from 04.09.1984.

(v) By virtue of such amendment in By-law 5(e), who are all the eligible members, who had already become members of the Society, can continue as members.

(vi) After giving such registration and approval of the Bylaw 5(e), the Registrar can also give a reasonable time, not more three months to the petitioners Society, to induct new members of course, based on the eligibility criteria fixed as per the By-law 5(e).

(vii) Once, the enrolment of new members within stipulate time is over, their eligibility and induction can be verified by the Registrar and ultimately, the final list of approved members of the Society can be released by him, within a reasonable time, not more than one month, thereafter.

(viii) Once, the eligible list of members as indicated above is released by the Registrar, a date for election, to elect the governing body shall also be fixed by the Registrar, within two months period. Thereafter, on the date of election, the Registrar or his nominee can supervise the election process, ultimately, the new governing body can be elected.

(ix) Once the new governing body is elected and if the set of new office bearers sent for approval is accepted and approved by the Registrar, such new governing body, shall take care of the rendition of accounts to the Registrar and in that case, after getting necessary



W.P(MD)No.6164 of 2024

orders for condonation with regard to delay of rendition of accounts, the same shall be finalised by the Registrar thereafter.

(x) In view of the aforesaid orders and direction, the consequential order dated 29.05.2002 is also set aside as it would have no effect.

With these directions both the writ petitions are ordered. No costs.”

3.Pursuant to the aforesaid directions, the District Registrar has issued the impugned communication dated 12.02.2024 fixing the election date as 24.03.2024. It is questioned by the petitioner on the ground set out in the affidavit filed in support of the writ petition. The learned counsel for the petitioner reiterated all the contentions set out therein and called upon this Court to set aside the impugned notification and allow the writ petition.

4.The learned Government Advocate as well as the learned counsel for the private respondents submitted that interference is not warranted.

5.I carefully considered the rival contentions and went through the materials on record. I am more than satisfied that the direction given by a learned Judge of this Court in the aforesaid writ petitions has not been complied with by the second respondent. Direction No.6 contemplates that the



W.P(MD)No.6164 of 2024

Registrar should give three months time to sangam to induct new members based on the revised eligibility criteria. Thereafter, the Registrar must undertake verification process and release the final list of approved members. Once the eligible list of members is released, he should fix the date for election. In this case, the society has not given any public notification for induction of new members. The learned counsel for the petitioner draws my attention to the communication issued by the Registrar on 12.03.2024. When a member by Viswanathan wanted copies of Form VI and Form VII, the Registrar has informed the said applicant that Form VII has not taken on file and therefore, Form VI cannot be issued. Though the general principle is that once an election process is set in motion, the Writ Court ought not to interfere, since the direction given by this Court has not been complied with, this Court would be justified in interfering with the election process.

6. At the same time, I cannot disregard the contention of the learned counsel for the private respondents that this Court ought not to unsettle the whole process at the instance of a solitary member.

7. Before me only one person has come. I am not engaged in any academic exercise. Only if the cause of substantial justice is to be served as an



W.P(MD)No.6164 of 2024

exceptional case, I would be justified in interfering with an election process that is already commenced. The Hon'ble Judge who disposed of W.P.Nos. 22948 and 30567 of 2002 gave the said directions as early as on 17.09.2018. If a new set of members wanted to join as members and they could not do so, nothing stopped them from moving this Court during the last six years. Without doing so, virtually at the last minute, this writ petition has been filed. I would not be justified in interfering. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

18.03.2024

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

To:-

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
- 2.The District Registrar (Admin),
Madurai North,
Rajakambeeram,
Madurai 625 107.



WEB COPY



W.P(MD)No.6164 of 2024



WEB COPY



W.P(MD)No.6164 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.6164 of 2024

18.03.2024