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W.P.(MD)NO.10556 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.10556 of 2024 AND

W.M.P.(MD)No.9482 of 2024

G.Rathinasamy Nadar

... Petitioner

Vs.

1. Aruppukottai Nadargal Uravinmurai

Pothu Abiviruthi Trust,

Rep. by its President,

No.42, Big Bazaar Street,

Aruppukottai – 626 101.

2. The Administrator,

Aruppukottai Nadargal Uravinmurai

Pothu Abiviruthi Trust,

Plot No.3, Door No.5/241, VIP Gardens,

Opp. to High Court,

Backside to Indian Oil Petrol Bulk,

Madurai – 625 023.

3. The Election Officer,

Aruppukottai Nadargal Uravinmurai

Pothu Abiviruthi Trust,

Plot No.3, Door No.5/241, VIP Gardens,

Opp. to High Court,

Backside to Indian Oil Petrol Bulk,

Madurai – 625 023.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider and verify the eligibility of the members as mentioned in the petitioner's representation dated 08.04.2024 and 09.04.2024.



For Petitioner : Mr.R.Udhayakumar

For Respondents : Mr.S.Parthasarathy,
for Mr.A.V.Arun for R-1.

Mrs.Seeni Syed Amma,
for M/s.Lajapathi Roy & Associates
for R-2.

Mr.M.Saravanakumar for R-3.

* * *

ORDER

Heard the learned counsel appearing for the parties.

2. I am not in a position to consider the contentions advanced by the learned counsel appearing for the petitioner in view of the order dated 25.03.2024 passed by the Hon'ble Division Bench in W.M.P. (MD)Nos.24924 of 2023 in W.P.(MD)No.19595 of 2020 and W.P. (MD)Nos.18872 of 2022 and 2572 of 2023. The Hon'ble Division Bench passed the following order:-

“(1) Today, the Election Officer has filed a Memo dated 19.02.2024.

(2) In the Memo, it is stated that the Administrator has found 65 members out of 164 members who had been admitted between the years 2017 and 2020



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ineligible. It is also stated in the Memo that none of the Members who are disqualified, have objected to their disqualification when it was published in the official premises of the Society. However, if any objection is raised by an individual, it is open to the Administrator or the Election Officer to file an application to implead him as a party and acceptance of nomination by any such member will be decided after hearing the individual if warranted.

(3)It is also open to the learned counsel appearing for the office bearers who were in the office between 2017 and 2020, to get affidavit from the individual members who are now found to be ineligible by the Administrator, whether they have any objection. It is made clear that the affidavits should contain the name and address of such disqualified members and the affidavit should be signed by the individual in the presence of Notary Public and Commissioner of Oath.

(4)It is now brought to the notice of this Court that one individual by name M.Jayakumar, has filed a Special Leave Petition before the Hon'ble Supreme Court in



SLP.[D].No.6724/2024. After granting special leave, notice has been issued and the Hon'ble Supreme Court has granted ad-interim stay insofar as directions in relation to the petitioner before the Hon'ble Supreme Court in the Special Leave Petition is concerned.

(5) Therefore, the direction to exclude Mr.M.Jayakumar, son of Mahalingam, is kept in abeyance and the election may be conducted taking note of the said ad interim stay granted by the Hon'ble Supreme Court. The publication of final voters list after considering the objections as reported by the Election Officer is recorded.

(6)All the parties have agreed that the Administrator can now publish the Schedule of Election. Post on 08.04.2024 along with the other miscellaneous petitions stated to have been filed.”

3. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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5

W.P.(MD)NO.10556 OF 2024

G.R.SWAMINATHAN,J.

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30.04.2024