



Cont.P(MD)No.2115 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P(MD)No.2115 of 2024

in

W.P(MD)No.19678 of 2023

D.M.Gulam Hussain

... Petitioner/
Petitioner

vs.

V.M.Jabarullah Khan
The Dr.Zakir Hussian College Society,
Ilayangudi,
Sivagangai District.

... Contemnor/
2nd respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor / respondent for the deliberate and wilful disobedience of the order dated 17.08.2023 passed by this Court in WP(MD)No.19678 of 2023.

For Petitioner : Mr.Mohamed Zamil

For Respondents : Mr.H.Thayumanaswamy



Cont.P(MD)No.2115 of 2024

WEB COPY

ORDER

This contempt petition has been filed that the order of this Court dated 17.08.2023 passed in WP(MD)No.19678 of 2023 has not been complied with.

2.The petitioner a member of the Dr.Zakir Hussian College Society, Sivagangai has filed the writ petition in WP(MD)No.19678 of 2023 seeking a writ of mandamus to direct the Secretary of the said College society to nominate Observers for holding election for electing Executive Members and Office Bearers to the society, as per Section 26(4) of the Tamil Nadu Societies Registration Act, 1975 and this Court by order dated 19.08.2023 has allowed the writ petition as under:

“6.In view of the above, this writ petition is allowed with the following directions:

(i)Mr.M.Saravanakumar and Mr.M.Thirunavukkarasu Advocates are appointed as observers to supervise the general body meeting to be held on 27.08.2023 and the remuneration for the Observers is fixed as Rs.50,000/-[Rupees Fifty Thousand] each, which shall be paid by the petitioner.



Cont.P(MD)No.2115 of 2024

WEB COPY

(ii) The observers appointed by this Court shall ensure fair and proper election is conducted for the 2nd respondent society.

(iii) The respondents 1 to 3 shall extend their fullest co-operation to the Observers to ensure free and proper election is conducted. No costs. Consequently connected miscellaneous petition is closed.”

3.Now this contempt petition has been filed that above order of this Court has not been complied with. The petitioner has also enclosed the report of the Observers appointed by this Court and the relevant portion of the report dated 28.08.2023 is extracted under:

“11. It is respectfully submitted that as per schedule more particularly at 10.30 am the general body meeting was commenced by the President of Dr.Zakir Hussain College Society, Ilaiyankudi with prayer. At that time some of the members raised an objection and stated that some more members are waiting for enroll their name in the attendance / minute book and therefore, requested to commence the meeting with little pass over. Therefore, the meeting was withheld for some time.



Cont.P(MD)No.2115 of 2024

WEB COPY

12. It is respectfully submitted that at about 11.00 am the general body meeting of Dr.Zakir Hussain College Society, Ilayankudi was commenced and the subject matter mentioned in the general body notice was discussed in the general body. After that few members namely 1.Mr.Abdul Gaffoor 2. Mr.Sultan and 3.Mr.Shah Nawash; raised some objections and they were permitted to speak in the Mike.

13.It is respectfully submitted that some of the members submitted a cyclostyle objection petition with us. We have received nearly about 56 petitions. On verification some petitions were submitted with us by way of proxy, who had not attended the general body meeting on 27.08.2023.

14.It is respectfully submitted that 474 members were present in the general body meeting of Dr.Zakir Hussain College Society, Ilayankudi and out of which 416 members had signed in the minute book in our presence and approved the resolution passed in the general body meeting held on 27.08.2023.

15.It is respectfully submitted that the entire general body meeting process was recorded by videograph and entered in the minute book also.



Cont.P(MD)No.2115 of 2024

WEB COPY

16.It is respectfully submitted that as per the orders of this court, we have discharged our bounden duties in unbiased manner and concluded the general body meeting of Dr.Zakir Hussain College Society, Ilayankudi held on 27.08.2023, in prompt manner and without giving any room for untoward incident.”

5.Recording the above report of the Observers, dated 28.08.2023 this contempt petition stands closed.

dsk

25.10.2024



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Cont.P(MD)No.2115 of 2024

B.PUGALENDHI,J.

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