



W.P.(MD)No.23524 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.23524 of 2024

and

W.M.P.(MD)Nos.19916, 19918 and 19920 of 2024

M.Peer Mohamed

... Petitioner

Vs.

1.The District Registrar of Societies,
Marthandam,
Kanyakumari District.

2.The Secretary,
The Marthandam Thozhilvarthaga Sangam,
Marthandam, Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the 2nd respondent in his proceedings Nil dated 03.08.2024 and quash the same as illegal and consequently to direct the respondents to take necessary measures to include the name of the petitioner and his wife in the eligible voter list of the 2nd respondent society and to conduct fair election as per the by law of Society in the presence of the 1st respondent within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Mohamed Zamil
M/s.Ajmal Associates



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For R1 : Mr.P.Subbaraj
Special Government Pleader
For R2 : Mr.N.S.Ramakrishna Doss

ORDER

This writ petition has been filed challenging the order issued by the 2nd respondent in his proceedings Nil dated 03.08.2024 and consequently to direct the respondents to take necessary measures to include the name of the petitioner and his wife in the eligible voters list of the 2nd respondent society and to conduct fair election as per the by law of Society in the presence of the 1st respondent within the period that may be stipulated by this Court.

2.The grievance of the petitioner is that the petitioner and his wife are the members of the Marthandam Thozilvarthaga Sangam. During the second wave of Covid-19 pandemic, loan was introduced by the second respondent Sangam for the members of the Society. The petitioner and his wife have availed the loan to the tune of Rs.50,000/-. In the meanwhile, an election notification was issued for the year 2024 and the election was scheduled to be held on 03.10.2024 and voters list has been published. However, the names of the petitioner and his wife have not been included in the voters list. Hence, challenge the said action, this writ petition has been filed.



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3.The learned counsel for the second respondent Society would submit that several opportunities were given to the members of the Society, who availed loan, to repay the said loan. Despite such opportunities, some of the members including the petitioner and his wife, have not repaid the same. Therefore, it was decided in a resolution to remove those defaulters from the membership of the Society. Hence, the names of the petitioner and his wife were not found in the voters list.

4.He further submitted that election is scheduled to be held today till 02.00 p.m., and if the petitioner is ready to pay the entire amount of Rs.50,000/- today itself, the second respondent Society is also ready to extend the time limit till 03.00 p.m., today for the petitioner and his wife to cast their votes.

5.The said statement is recorded. The petitioner and his wife are directed to pay the amount of Rs.50,000/- to the society before 03.00 p.m., today, if they are willing to exercise their voting right. For the said purpose, the election time shall be extended for the petitioner and his wife till 03.00 p.m. today. It is made clear that if the amount is not paid within the said time, the resolution passed in this regard by the society shall be implemented.



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6. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

03.10.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

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To

1. The District Registrar of Societies,
Marthandam,
Kanyakumari District.
2. The Secretary,
The Marthandam Thozhilvarthaga Sangam,
Marthandam, Kanyakumari District.



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N.SATHISH KUMAR, J.

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