



WP(MD). No.24049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 14/10/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.24049 of 2024

T.K.T. Thilagarathinam

... Petitioner

Vs

1. The District Registrar,
Palayamkottai,
Tirunelveli District..

2. Kovilpatti Nadar Uravinmurai Sangam,
(Reg.No. S23/55) Through its
President (Ad-Hoc Arrangement),
Kovilpatti, Thoothukudi District..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, to direct the respondent No.1 to consider the petitioner representation dated 26/09/2024 due opportunity of personal hearing to the petitioner and dispose within a stipulated time period as prescribed by this Court.

For Petitioner : Mr.S.Saravanan,

**For Respondents : Mr.P.Subbaraj for R1
Special Government Pleader**



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Mr.M.Ajmal Khan for R2
Senior counsel for
Mr.C.Mayilvahana Rajendran

ORDER

The writ petition has been filed for a mandamus to direct the 1st respondent to consider the petitioner's representation dated 26/09/2024 and dispose within a stipulated time period as prescribed by this Court.

2. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. It is the contention of the petitioner that the election to the 2nd respondent society was held as per the directions of this Court. While so, the petitioner has given a representation not to receive Form VII.

4. However, it is the contention of the learned Senior counsel for the respondent No.2 that elections have already been over and office bearers have been elected and the issue has gone upto the Hon'ble Supreme Court in Civil Appeal Nos.6264 to 6277 of 2024 and the Apex Court has made it clear that after conclusion of elections, the remedy, if



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any, open to the parties is to challenge the process or the results of election through election petition or by filing civil suits, where this can always be a ground available. Therefore, he prays for dismissal.

4. I have considered the rival submissions and perused the materials available on record.

5. Originally the elections have been conducted by the Advocate Commissioner. However, writ petitions have been filed, which culminated in filing of writ appeals in WA(MD) Nos.1520 of 2022 etc. batch and the Division have decided the writ appeals and directed the same Advocate Commissioner to hold fresh elections, against which, civil appeals were filed before the Supreme Court in Civil Appeal Nos. 6264 to 6277 of 2024, wherein, the orders of the Division Bench has been set aside and it is held that election is over and the remedy open to the parties to challenge the same. Therefore, it is very clear that originally election conducted by the Advocate Commissioner stood restored and results also declared pursuant to the orders of this Court on 24.09.2024, wherein in Paragraph No.3, it is held as under:



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“3.In view of the above, so as to comply with the order, the two sealed covers, containing the election documents as well as the rejected nominations etc, are returned to the Advocate Commissioner and he shall declare the results as per the final directions issued by the Hon'ble Supreme Court in Civil Appeal Nos.6278 to 6291 of 2024, forthwith. The records are handed over in the open Court itself.”

6. Now, it appears that based on the said elections, Form VII has been given by the concerned authorities. At this stage, the present writ petition has been filed to consider the representation. Form VII has to be received and at this stage, only minimum preliminary enquiry is required and the authorities have no power to go into the merits of the elections. In such view of the matter, as a matter of right, no direction can be issued to the authorities to make a roving enquiry.

7. In C.M.S.Evangelical Suvi David Memorial Higher Secondary School Committee and others v. The District Registrar, Cheranmahadevi, Tirunelveli District and others in WA Nos.2969/2001 etc. batch, the Full Bench has held as follows:



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“20.... In the event the Registrar satisfies himself as to the particulars furnished in Form VII as correct, he should enter the names in the register maintained for that purpose. In the event if he does not satisfy as to the particulars and thereby does not accept Form VII, he has to issue a direction relegating the parties to approach the civil Court for appropriate orders and thereafter shall act as per the orders of the civil Court. Accordingly, the issue is answered. Post the writ appeals for disposal accordingly.”

8. In view of the dictum laid down by the Full Bench of this Court, the District Registrar shall pass orders.

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

14.10.2024

NCC : Yes/No

Index : Yes/No

RR

TO

1. The District Registrar,
Palayamkottai, Tirunelveli District..



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N.SATHISH KUMAR,J

RR

**ORDER
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