



W.P.(MD).No.3051 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3051 of 2025

M.Gunasekaran

... Petitioner

Vs.

1.The District Registrar of Societies,
Dindigul,
Dindigul District.

2.The Secretary,
Chinnalapatti Devanagar Mahajana Saba,
Devangar Higher Secondary School,
Chinnalapatti,
Dindigul District 624 301.

3.The President,
Chinnalapatti Devanagar Mahajana Saba,
Devangar Higher Secondary School,
Chinnalapatti,
Dindigul District 624 301.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to nominate an observer for holding an election to constitute a new executive committee for the Chinnalapatti Devangar Mahajana Saba in the light of the Section 26(4) of the Tamil Nadu Registration of Societies Act, 1975 and consequently direct the 1st respondent to use Secret ballot for



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casting the votes of the members of the society and ensure free and fair election within a time stipulated by this Court.

For Petitioner : Mr.M.Vivek Kumar
For R-1 & R-2 : Mr.D.Sadiq Raja,
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This writ petition is filed seeking to direct the 1st respondent to nominate an observer for holding an election to constitute a new executive committee for the Chinnalapatti Devangar Mahajana Saba in the light of the Section 26(4) of the Tamil Nadu Registration of Societies Act, 1975 and consequently direct the 1st respondent to use Secret ballot for casting the votes of the members of the society and ensure free and fair election on the basis of the petitioner's representation dated 08.11.2024.

3.Heard the learned counsels on either sides and carefully perused the materials available on record.



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4.It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

5.Without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's representation dated 08.11.2024 and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

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

31.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

Sml

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