



W.P.(MD)No.4238 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.4238 of 2025

S.R.Eswaralal

... Petitioner

-VS-

1.The Assistant Inspector General of Registration,
O/o.The Assistant Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajakambeeram,
Y.Othakadai, Madurai – 625 107.

2.The District Registrar (Administration),
Madurai (South),
No.171, Palace Road,
Madurai - 625 001.

3.The Sub Registrar,
Madurai South, Madurai.

4.S.S.Subramanian,
The Sub Election Officer,
Sourastra Mathya Sabai,
Madurai Sourastra Sabai, Madurai.

5.S.N.Thiagarajan,
The Sub Election Officer,
Sourastra Mathya Sabai,
Madurai Sourastra Sabai, Madurai.

... Respondents



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PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to register the Elected 19 Executive Committee Members List of Sourashtra Madhya Sabha for the years 2024 to 2027, on the basis of the representation, dated 28.01.2025, within the stipulated time period in accordance with law.

For Petitioner : Mr.C.Senthil Murugan

For R1 to R3 : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 3 herein to register the Elected 19 Executive Committee Members List of Sourashtra Madhya Sabha for the years 2024 to 2027, on the basis of the petitioner's representation, dated 28.01.2025.

2. With the consent of both sides, this Writ Petition is disposed of, at the admission stage itself.



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3. Since no adverse orders are going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.

4. The petitioner submits that he was elected as an Executive Committee Member of the Sourashtra Madhya Sabha. The Executive Committee Meeting was held on 11.01.2025, during which, it was unanimously resolved to conduct elections for selection of 19 Executive Committee Members of the Society. The Secretary of the Sabha was appointed as the Election In-charge, who, in turn, appointed respondents 4 and 5 as Sub-Election Officers. The election was scheduled for 16.02.2025 and the petitioner and 41 other members submitting nominations to contest the election. However, 22 contesting members voluntarily withdrew their nominations, leaving the petitioner and 19 others to be unanimously elected as Executive Committee Members of the Society. The respondents 4 and 5 issued a certificate to that effect on 24.01.2025. Despite the same, the second respondent has been reluctant to register the election results for reasons best known to him. Despite frequent follow-ups, the second respondent has kept the file pending without providing any reasons. Hence, the petitioner has filed this writ petition.



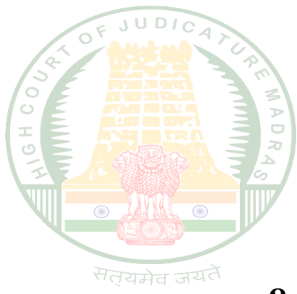
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5. Heard the learned counsel appearing for the parties.

6. 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 him 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 by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the respondents 1 to 3 herein to consider the petitioner's representation dated 28.01.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 1 to 3 to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

18.02.2025

Index : Yes / No

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To:-

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