

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.09.2015

Coram :

The Hon'ble Mr.Justice N.KIRUBAKARAN

W.P.No.30895 of 2015
and M.P.Nos.1 & 2 of 2015

P.Soundararajan

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Petitioner

vs

1.The Joint Registrar of Coop. Societies,
Tiruvarur Region, Tiruvarur,
Tiruvarur District.

2.The Deputy Registrar of Coop. Societies,
District Election Officer, Mannarkudi Circle,
Mannarkudi, Tiruvarur District.

3.The Coop. Sub Registrar / Election Officer,
Thiruthuraipoondi,
O/o Deputy Registrar of Coop Societies/
Mannarkudi Circle, Mannarkudi,
Tiruvarur District.

4.The Registrar of Coop. Societies,
Kilpauk,
Chennai.

(R4 impleaded as per order of this
court in WP 30895/2015 dated 30.9.2015)

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India for issue of writ of certiorari calling for the entire records relating to the impugned election notification dated 18.09.2015 published in Daily thanthi Newspaper dated 24.09.2015 issued by the 2nd respondent and quash the same.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.L.P.Shanmugasundaram
Special Govt. Pleader (Coop.)

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2. Since Registrar of Co-operative Societies, Kilpauk, Chennai is the Appellate Authority where the appeal filed by the petitioner is pending, it is necessary to implead the said officer. Therefore, this Court, suo moto impleads the said officer as the fourth respondent.

3. The petitioner was originally elected as Director of Nallur Primary Agricultural Coop. Credit Society, Nallur, Tiruvarur District and subsequently he was elected as President of the said society. The petitioner was disqualified from holding the post of President under Section 36 (1) of the Tamil Nadu Coop. Societies Act since the society passed resolution for fixing the pay-scales to its employees as per circular issued by the Registrar of Coop. Societies and thereafter arrears of salary was disbursed to the employees. The second respondent ordered inspection under Section 82 of the Act and thereafter the petitioner was disqualified from holding the post of President in the said society by virtue of order dated 17.03.2015. Against the said order, the petitioner preferred an appeal under Section 152 (1)(V) of the Tamil Nadu Coop. Societies Act before the first respondent and the same is pending. When things stand so, the second respondent published election notification dated 18.09.2015 declaring about conducting of election on 14.10.2015 for the post of Director. Aggrieved over the said notification, the petitioner has come before this Court contending that in case if he succeeds in the appeal, there should not be two Presidents at that point of time.

4. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Govt. Pleader appearing for the respondents.

5. It is seen that the petitioner was already disqualified from holding the post of Director and President of the Nallur Primary Agricultural Coop. Credit Society, Nallur, Tiruvarur District. An appeal has been filed by the petitioner and the same is pending before the first respondent. There is justification in the contention made by the petitioner. In the event of allowing of the appeal filed by the petitioner, he has to be restored as a President of the Nallur Primary Agricultural Coop. Credit Society, Nallur, Tiruvarur District.

6. In view of the above said circumstances, to safeguard the interest of the petitioner and also to see that the election is conducted properly, this court only directs the respondents to inform all the candidates who are participating in the election that the candidates would be elected subject to the result of the appeal. In case if the appeal is allowed, the person who has been elected for the said post has to vacate from the electoral post. The respondents are directed to inform the said details to all the candidates, within two days from the date of receipt of a copy of this order. For having informed the above said details to the candidates

participating in the election, the respondents are directed to get acknowledgment from them, so that there shall not be any prohibition for the respondents to conduct the election.

7. Taking into consideration the fact that the appeal filed by the petitioner is pending before the first respondent, the first respondent is directed to dispose of the same, within a period of six weeks from the date of receipt of a copy of this order, after giving opportunity to all the parties.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar (CSIII)

True Copy

Sub-Assistant Registrar

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To

1.The Joint Registrar of Coop. Societies,
Tiruvarur Region, Tiruvarur,
Tiruvarur District.

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Tiruvarur District.

4.The Registrar of Coop. Societies,
Kilpauk, Chennai.

+1 cc to Mr.C.Prakasam Advocate sr.53504

+1 cc to Mr.L.P.Shanmugasundaram Advocate sr.53423

+1 cc to Government Pleader sr.53376

W.P.No.30895 of 2015

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