

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.35445 of 2015
and
M.P.Nos.1 and 2 of 2015

T.Subramanian

... Petitioner

Vs

1. The Election Commissioner,
State Cooperative Elections,
Vanavil, Teynampet,
Chennai - 18
 2. The District Election Officer /
Deputy Registrar of Co-operative Societies
Erode Circle, Erode,
Erode District
 3. The Election Officer / Coop. Sub Registrar,
Kodumudi, Erode District
- ... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the rejection order of the 3rd respondent dated 19.10.2015 and quash the same consequently direct the respondents to declare that the petitioner is elected as President of AA.713 Kodumudi Primary Agricultural Coop Credit Society, Kodumudi, Erode District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.L.P.Shanmughasundaram
Special Government Pleader

O R D E R

Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.L.P.Shanmughasundaram, learned Special Government Pleader appearing for the respondents. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2.The Petitioner is a Member of Kodumudi Primary Agricultural Cooperative Society Limited, Kodumudi, Erode District. The petitioner contested in the Elections conducted during the year 2013 and he was elected to the post of Director of the said Society, subsequently became the Vice President and thereafter as President of the Society. In the Election which were notified recently, the petitioner filed Nomination on 19.10.2015 and it is stated on the said date, Eight Directors out of Nine Directors had extended their support in favour of the petitioner's candidature.

3. The grievance of the petitioner is that his nomination has been rejected illegally and the petitioner has not been intimated as to the ground of rejection and the 2nd respondent, namely, the District Election Officer, who is also Deputy Registrar of Cooperative Societies, Erode Circle, Erode has merely stated that there are no valid Nomination for the post of President, this according to the petitioner is a illegal statement made by the 2nd respondent and the petitioner urges certain political vendetta and would state that the 2nd respondent is in hand and glove with opposite political party members and only reason for rejection of the Nomination is somehow to prevent the petitioner from taking part in the Election.

4.In my view, at this stage of the matter, the Writ Court cannot issue any direction more particularly when the Election itself could not be conducted, since there are no valid Nominations. However, petitioner cannot be left without any remedy. In order to enable to initiate appropriate proceedings as provided under the Tamilnadu Co-operative Society Act, 1983 and as per Rules framed thereunder, the petitioner is entitled to know the reasons for which his Nomination was rejected.

5.The learned Special Government Pleader appearing for the respondents submitted that the reasons for rejection of the

petitioner's Nomination will be communicated to the petitioner within a period of one week from the date of receipt of copy of this order.

6. In the light of the above, this Writ Petition is disposed of by directing the 2nd respondent to communicate the reasons for the rejection of the petitioner's Nomination within a period of one week from the date of receipt of copy of this order and thereafter, it is open to the petitioner to resort to the remedies available to him under the Act.

7. The petitioner is ready and willing to exhaust his remedies provided under the Act, but his only grievance is that the Authority, to deal with the matter on appeal is the Deputy Registrar of Cooperative Society, Erode Circle, 2nd Respondent, who is also the District Election Officer. Therefore, the 2nd respondent cannot decide the petitioner's appeal and if he does so, he will be judging his own decision, which is impermissible under Law. Based on this, the learned Special Government Pleader submitted that as and when the petitioner prefers an appeal, the Joint Registrar of Co-operative Society, Erode Circle, Erode will assign the appeal petition to some other Deputy Registrar, Cooperative Society other than the 2nd respondent, who shall hear and decide the matter unbiased and in accordance with law. Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Election Commissioner,
State Cooperative Elections,
Vanavil, Teynampet,
Chennai - 18

2. The District Election Officer /
Deputy Registrar of Co-operative Societies
Erode Circle, Erode,
Erode District
3. The Election Officer / Coop. Sub Registrar,
Kodumudi, Erode District

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.60204
+1cc to Mr.C.Prakasam, Advocate, S.R.No.60679
+1cc to the Government Pleader, S.R.No.61152

W.P.No.35445 of 2015
and
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JSV(CO)
CA(06/11/2015)



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