

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.2255 of 2016

& WMP.Nos.1945 & 1946 of 2016

R.Anandan

.. Petitioner

Vs.

- 1 The Registrar of Co-operative Societies
No.179 EVR Periyar Salai,
Kilpauk, Chennai-10
- 2 The Joint Registrar of Co-operative Societies
District Collector Office Campus,
Vengikkal Thiruvannamalai-606 604.
- 3 The Deputy Registrar of Co-operative Societies,
District Collector Office Campus,
Vengikkal, Thiruvannamalai- 606 604.
- 4 The Deputy Registrar/ District Election Officer,
Office of the the Election
Commission for Tamil Nadu Co-operative Societies
Chennai-18. .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari to call for the records and to quash the Election Notice dated 6.1.2016 bearing Ve.Order No.10/ Se.Ma.Tho.A/2016 dated 5.1.2016 issued and published by the 4th respondent in the Vellore Edition of the Thina Thanthi Tamil News Paper.

For Petitioner .. Mr.E.J.Ayyappan

For Respondents .. Mr.D.Venkatachalam, GA

ORDER

Heard the learned counsel for the petitioner and Mr.E.J.Ayyappan, learned Government Advocate accepting notice on behalf of the respondents and with their consent, the writ petition is taken up for final disposal at the admission stage

2. Petitioner is the former President of H.H.464, Kattampoondi Primary Agricultural Co-operative Loan Society, and he challenges the election notice dated 06.01.2016 issued by the fourth respondent. The only ground on which the impugned election notification has been challenged by contending that as against the order of dissolution of the Elected Board, the petitioner has filed an appeal before the first respondent on 18.06.2015 and when the appeal is pending, the election should not be conducted since appeal itself would become infructuous. However, it has to be pointed out that the election process having already begun, the same cannot be interrupted by the Writ Court unless, it falls within certain exceptional circumstances as pointed out in Catena of decisions of this Court and the Honourable Supreme Court. The case as projected by the petitioner does not fall within any one of the exceptional circumstances and there is no compelling situation warranting interference of a Writ Court. Therefore, the prayer sought for by the petitioner to quash the impugned election notification cannot be granted. Accordingly, the writ petition is dismissed.

3. Learned counsel for the petitioner would submit that if ultimately he succeeds in the appeal, the entire exercise would be futile as by then, the election would have already been over. There is no merits in such submissions. However, this Court cannot allow the election process to conclude. Hence, a direction is issued to the first respondent to consider the petitioner's appeal petition dated 16.06.2015 which has been received in the office of the first respondent on 18.06.2015 which is evident from the postal acknowledgement card annexed in the typed set of papers. The first respondent shall hear the appeal petition on merits and in accordance with law, after providing an opportunity of personal hearing to the petitioner and pass orders within a period of three months, from the date of receipt of a copy of this order. It is needless to state that the election to be conducted, would be subject to the orders be passed by the first respondent in the appeal petition.

4. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Registrar of Co-operative Societies
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- 4 The Deputy Registrar/ District Election Officer,
Office of the the Election
Commission for Tamil Nadu Co-operative Societies
Chennai-18.

+1 cc to Mr.E.J. Ayyappan, Advocate, sr.3758

+1 cc to Government Pleader, sr.4158

W.P.No.2255 of 2016

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kra 05.02.2016

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