



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD] .No.18241 of 2013

and

M.P. (MD) No.1 of 2013

K.C.Kannan

: Petitioner

Vs.

1.The Commissioner for Milk Production and
Dairy Development,
Madavaram,
Chennai-600 051.

2.The Deputy Registrar (Dairying),
Manamadurai Milk Society Building,
Near Anna Over Bridge,
Manamadurai-630 606,
Sivagangai District.

3.Thiru.V.Shanmugam

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Quo Warranto, to call upon the third respondent herein to show cause as to under what authority he hold and remains in position as Chairman of Sivagangai District Co-operative Milk Producers Union Limited, Karaikudi.

For Petitioner : Mr.R.Alagumani

For Respondents 1&2 : Mr.T.R.Janarthanan,
Additional Government Pleader

For Respondent No.3 : Mr.M.Mahaboob Athiff

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner has come up with this Writ Petition under the guise of a Public Interest Litigation challenging the election of the third respondent as the Chairman of Sivagangai District Co-operative Milk Producers Union Limited at Karaikudi, which is a



Co-operative Society governed by the Tamil Nadu Co-operative Societies Act.

2. We have heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the first and second respondents and the learned counsel appearing for the third respondent. We have also perused the records carefully.

3. A perusal of the affidavit filed by the petitioner would go to show that the third respondent was not qualified to contest the election and thus, the election is void.

4. In our considered view, to raise a dispute in respect of the election, there is a specific provision under the Act itself before the competent forum. When there is an alternative remedy available effectively for the petitioner, this Public Interest Litigation cannot be entertained. The Writ Petition is, therefore, dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Crl.side)

/True copy/

Sub Assistant Registrar

To

1.The Commissioner for Milk Production and
Dairy Development,
Madavaram,
Chennai-600 051.

2.The Deputy Registrar (Dairying),
Manamadurai Milk Society Building,
Near Anna Over Bridge,
Manamadurai-630 606,
Sivagangai District.

+1 cc to M/s.R.Alagumani, Advocate in SR.No.56323

+1 cc to M/s.Ajmal Associates, Advocate in SR.No.55942

SML

CSL/DB/14.10.2016: 2P/5C

**Order made in
W.P.[MD].No.18241 of 2013
Dated: 26.09.2016**