

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

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THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

WP. No.8287 of 2014
and
M.P.Nos.1 & 2 of 2014

K.S.Vivekanantham

..Petitioner

Vs.

- 1.The Registrar,
Co-operative Societies,
No.170, NV Natarajan Maligai,
Poonamallee High Road,
Kilpauk, Chennai 600 010.
- 2.The Deputy Registrar of
Co-operative Societies,
Thiruchengode Circle,
Thiruchengode,
Namakkal District.
- 3.The Election Officer,
Co-operative Elections,
S.1314, Periasolipalayam,
Primary Agricultural Co-operative
Credit Society,
Paramathi-Velur Taluk,
Namakkal District.
4. Kanagarathinam
5. K.Sakthivel
6. S.Rajendran
7. P.Thangamuthu
8. S.Selvi
9. S.Valarmathi
10. K.Prakasam
11. A.Seerangan

(Respondents No.4 to 11 are impleaded
as per Order dated 29.08.2017 in
MP.Nos.3 to 5 of 2014 by DKKJ)

..Respondents

PRAYER:

The Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the entire records pertaining to order dated 13.02.2014 in Tha Va. No.11 of 2013-14 passed by the Deputy Registrar of Co-operative Societies, Thiruchengode Circle and quash the same and direct the respondents to conduct the elections for S.1314, Periasolipalayam Primary Agricultural Co-operative Credit Society, Paramathi-Vellore Taluk, Namakkal District afresh for the year 2013-14 after setting aside the alleged election said to have been conducted on 19.04.2014.

For petitioner : Mr.C.Umashankar
For respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R1 to R3
: Mr.V.Ravichandran for R4
: Mr.M.S.Palanisamy for
Mr.S.P.Yuvaraj for R5 to R11

ORDER:

According to the petitioner, the petitioner is a member of S.1314 Periasolipalayam Primary Agricultural Cooperative Credit Society Ltd. The election was called for to elect Board of Directors for the said society and election notification was published on 06.03.2013. As such the petitioner filed nomination papers. On 10.04.2013, the petitioner was informed of rejection of his nomination papers without stating any reason. On this ground, the petitioner raised the dispute before the second respondent. The petitioner filed an election petition, which was returned by the second respondent on 11.07.2013 stating that the papers were not in proper format. On 31.08.2013, the petitioner was instructed to pay Rs.400/- towards renewal of election petition. The second respondent sent a communication to the petitioner by stating that the nomination papers were rejected on the ground that difference in signature in the nomination paper from that in the membership register. Pursuant to that, the petitioner checked the same by perusing the membership register and found that the signature has been changed by someone. Then, the petitioner lodged a complaint against the persons who are incharge of the said

registers. In the said complaint, FIR was lodged and the directors have sought for anticipatory bail. In the meantime, the impugned order passed, dismissing the election petition. Hence, the petitioner has filed the present writ petition before this Court.

2. The learned counsel for the petitioner would submit that the said petition has been dismissed mainly on the grounds that the said election petition was filed beyond the period of limitation. Secondly, the petitioner has not impleaded the elected members of the said society as parties to the election petition. Now, the petitioner has filed impleading petitions to implead the elected board of directors as party in the present writ petition. Therefore, the learned counsel for the petitioner has prayed to allow the impleading petitions and remanded the matter to the Deputy Registrar of Cooperative Societies, Tiruchengode Circle to consider the election petition afresh and pass orders on merits and in accordance with law.

3. The learned counsel appearing for the elected board of directors would submit that now the petitioner has filed applications to implead the elected board of directors as parties to the writ petition. In the event of allowing the said applications, the matter may be remanded to the second respondent to decide the election petition on merits and in accordance with law. Further, opportunity shall be granted to the respondents to put forth contentions before the second respondent.

4. The learned Special Government Pleader would also submit that the matter may be remanded to the second respondent to decide the election petition including the issue of period of limitation on merits and in accordance with law.

5. By considering the submissions made by the learned counsel for the parties and by consent of both the parties, the impugned order passed by the Deputy Registrar / the second respondent is quashed and remanded to the second respondent to consider the election petition afresh and pass orders on merits and in accordance with law as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this Order after providing an opportunity to the parties concerned.

6. In the result, the writ petition is allowed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Registrar,
Co-operative Societies,
No.170, NV Natarajan Malaigai,
Poonamallee High Road,
Kilpauk, Chennai 600 010.

2.The Deputy Registrar of Co-operative Societies,
Thiruchengode Circle,
Thiruchengode, Namakkal District.

3.The Election Officer,
Co-operative Elections,
S.1314, Periasolipalayam,
Primary Agricultural Co-operative Credit Society,
Paramathi-Velur Taluk,
Namakkal District.

+1 cc to Mr.C.Umashankar Advocate sr 62036

+1 cc to Mr.L.P.Shanumugasundaram Advocate sr 62288

+1 cc to Mr.V.Ravicghandran Advocate sr 62669

+1 cc to the Govt Pleader sr 63036

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