

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.18263 of 2017

R.Sengottaiyan

... Petitioner

Vs.

1. State Election Commissioner
Tamil Nadu Cooperative Societies Election Commission
Kamadenu Supermarket Complex
Teynampet
Chennai - 18.
2. The Joint Registrar
Cooperatives, Erode Region
Mohankumaramangalam Salai
Soorampatti, Erode - 638 009.
3. The Deputy Registrar of Cooperative Society / District
Election Officer
Cooperative Society Complex
Mohankumaramangalam Salai
Soorampatti, Erode - 638 009.
4. Electoral Officer
P.E.Modakuruchi Circle Teachers and Public Servant -
- Co-Operative Thrift and Credit Society
Modakuruchi Taluk
Erode District.
5. The Secretary
P.E.Modakuruchi Circle Teachers and Public Servant -
- Co-Operative Thrift and Credit Society
Modakuruchi Taluk
Erode District.
6. P.Anandan
7. N.Banu
8. J.Jaisingh Simon Samraj

9. A.George
10. K.Manoharan
11. M.Palanisamy
12. S.Poongothai
13. N.P.Sivakami
14. P.Subbulakshmi
15. A.Baby Kannu
16. A.RangasamyRespondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to forthwith consider and pass orders in the Election Dispute Petition dated 14.07.2017 filed by the petitioner under Section 90 of the Tamil Nadu Co-Operative Societies Act, 1983.

For Petitioner Mr.E.P.Senniyangiri
For Respondents... Mr.M.S.Palaniswamy for R1
Ms.T.Girija, Government Advocate
For RR2 & 3
Mr.L.P.Shanmuga Sundaram, Spl. GP
For RR4 & 5

O R D E R

By consent, this writ petition is taken up for final disposal.

2. According to the petitioner, the petitioner is working as Road Worker and also continued to be a member in the 5th Respondent Co-operative Society. The said society is functioning with 400 members who are Government employees working within the jurisdiction of Modakuruchi Union. During May 2013, an election was conducted to the 5th respondent/Society and the Board of office bearers was selected. Due to financial dealings, the board was dissolved by the third respondent on 07.10.2016. The 4th respondent Electoral Officer was appointed in the rank of CSR to scrutinize and find out eligible voters in the 5th respondent society. But the said notification did not spell anything about finalising the voter's list of the 5th respondent i.e. 3rd respondent election officer is pursuing with the election even without finalising the voter list. Further,

the by-laws of the 4th respondent/Society terminated the members who are default in repayment of loans and their guarantor's are also ineligible to poll their vote in the election. It is pertinent to note that there are so many members in the 5th respondent/Society who are not eligible to vote at all. While so, finalising the nomination without finalising the voters list would be detrimental to the interest of the society. On 07.07.2017, the election was conducted for the post of Directors. Due to forgery of the officials in the election process, the petitioner was defeated in the election since more than 100 ineligible voters were permitted to vote inspite of the objections made by the members.

3. The petitioner would further state that the petitioner has given a complaint dated 08.07.2017 to the third respondent. But the third respondent has not take any action. However, the copy of the complaint was also sent to the first respondent, the 1st respondent has issued a letter dated 12.07.2017 in Na.Ka.No.819/2017/Ku.thy 1 (3) to the petitioner for filing Election Dispute Petition. Thereafter, on 14.07.2017, the petitioner filed Election Petition disputing the election for the 5th respondent/Society held on 07.07.2017 and on 12.07.2017 to the post of Directors and President, Vice President respectively. However, the third respondent did not take any action regarding the elections of the 5th respondent/Society. Hence, the petitioner is before this Court by way of present writ petition.

4. Heard Mr.E.P.Senniyangiri, learned counsel for the petitioner and M.S.Palaniswamy, learned counsel for the first respondent ; Ms.T.Girija, leaned Government Advocate for respondents 2 and 3 and Mr.L.P.Shanmuga Sundaram, learned Special Government Pleader who accepts notice on behalf of the respondents 4 and 5.

5. In view of the limited prayer sought for in this writ petition and without going into the merits of the case, the third respondent is directed to consider the Election Dispute Petition of the petitioner dated 14.07.2017, if it is in order, as expeditiously as possible, after affording an opportunity to the parties concerned.

With the above direction, this writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

kkd

To

1. State Election Commissioner
Tamil Nadu Cooperative Societies Election Commission
Kamadenu Supermarket Complex
Teynampet
Chennai - 18.
2. The Deputy Registrar of Cooperative Society / District
Election Officer
Cooperative Society Complex
Mohankumaramangalam Salai
Soorampatti, Erode - 638 009.

+1cc to Mr.E.P.Senniyangiri, Advocate Sr. 50833
+1cc to Mr..P.Shanmuga Sundaram, Advocate Sr. 50732

W.P.No.18263 of 2017

VGII (CO)
VR(20/07/2017)



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