

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.32482 of 2015
and
M.P.Nos.1 and 2 of 2015

G.Subramanian ... Petitioner

- Vs -

1. The Registrar of Coop.Societies,
Kilpauk, Chennai.

2. The Joint Registrar of Coop.Societies,
Tiruvarur Region, Tiruvarur,
Tiruvarur District.

3. The Deputy Registrar of Coop.Societies,
District Election Officer,
Mannarkudi Circle, Mannarkudi,
Tiruvarur District.

4. The Coop. Sub Registrar / Election Officer,
Thiruthuraipoondi,
O/o. The Deputy Registrar of Coop.Societies,
Mannarkudi Circle, Mannarkudi,
Tiruvarur District.

5.M.Bharathiraja ... Respondents
(R5 is suo-motu impleaded as per
order dated 16.10.2015 by N.K.K.J
in W.P.No.32482/2015.)

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus,
directing the respondents to permit the petitioner to
participate in the election which is scheduled to be held on
14.10.2015 for the post of Director to the Nallur Primary
Agricultural Coop.Credit Society.

For Petitioner : Ms.R.Shase for M.Guruprasad

For Respondent : Mr.V.Selvaraj for R2 to R4
(Addl.Government Pleader)

O R D E R

This writ petition has been filed by the petitioner praying to issue a direction to the respondents to permit the petitioner to participate in the election which is scheduled to be held on 14.10.2015 for the post of Director to the Nallur Primary Agricultural Coop. Credit Society.

2. According to the petitioner, reasons for rejection of the petitioner's nomination is illegal. Hence the petitioner filed writ petition before this Court.

3. The 4th respondent has filed counter stating that the 4th respondent received two nominations and only the two nominations were found as valid. Out of two candidates, one candidate namely Appasamy had withdrew his candidature and elected one Bharathiraja, 5th respondent as President of the Society. In the counter affidavit it is stated that the petitioner, the proposer stood as a surety for his wife Mrs. Neelavathy and obtained a loan of Rs.55,600/- as a KCC loan (Kisan Credit Card Loan) as per the rule he has to make a payment within a period of 240 days but the same was not paid and over due by more than 3 months. Hence, the nomination of the petitioner was rejected as per Section 34 of Tamil Nadu Co-operative Societies Act, 1983.

4. In view of the above fact as well as the prayer in the writ petition, this Court cannot entertain the writ petition challenging the election process and liberty is granted to the petitioner to approach the competent authority namely Deputy Registrar of Co-operative Societies, within a period of two weeks from the date of receipt of a copy of this order, on receipt of the said petition, the Deputy Registrar of Co-operative Societies shall consider the said petition on merits and in accordance with law as expeditiously as possible within a period of 12 weeks thereafter, after affording opportunities to the parties concerned.

5. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

ssn

To

1. The Registrar of Coop.Societies,
Kilpauk, Chennai.

2. The Joint Registrar of Coop.Societies,
Tiruvarur Region, Tiruvarur,
Tiruvarur District.

3. The Deputy Registrar of Coop.Societies,
District Election Officer,
Mannarkudi Circle, Mannarkudi,
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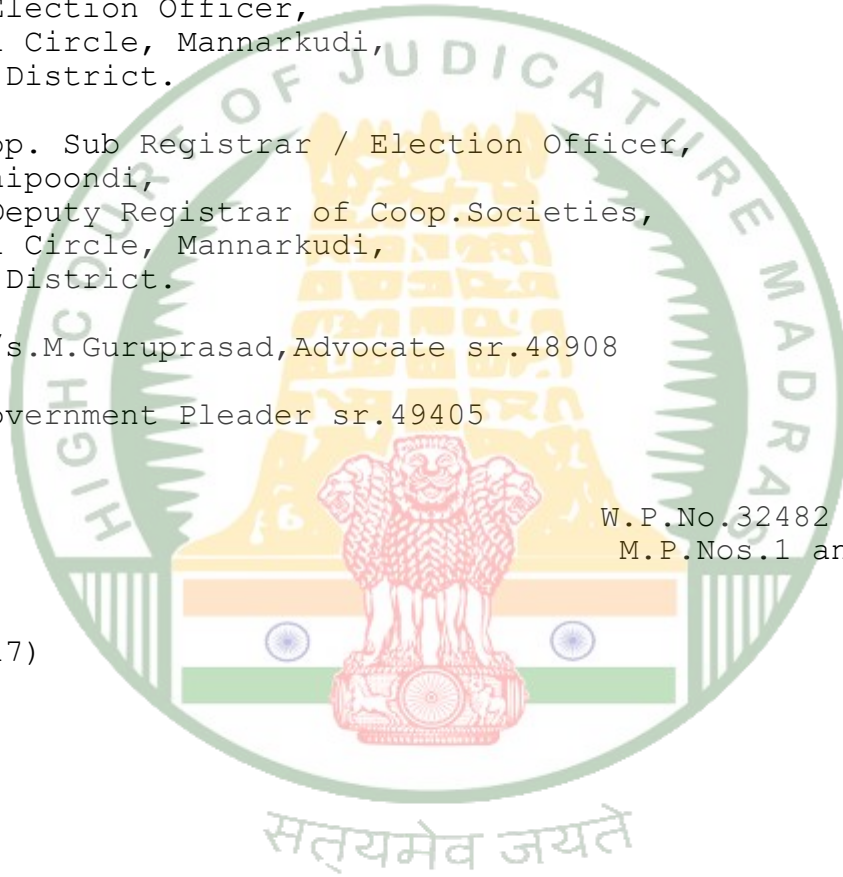
4. The Coop. Sub Registrar / Election Officer,
Thiruthuraipoondi,
O/o. The Deputy Registrar of Coop.Societies,
Mannarkudi Circle, Mannarkudi,
Tiruvarur District.

+1cc to M/s.M.Guruprasad, Advocate sr.48908

+1cc to Government Pleader sr.49405

W.P.No.32482 of 2015 and
M.P.Nos.1 and 2 of 2015

kj(co)
ss(4/8/2017)



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