

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10070 of 2018

Gajendran
S/o Kanni Gounder

.. Petitioner

-vs-

1. The Tamil Nadu State Co-operative Societies Election Commission
rep.by its Secretary
No.273, Kamadhenu Super Market
Anna Salai
Chennai 600 018
 2. The District Election Officer/Deputy Registrar
Co-operative Societies (Dairy Development)
Thiruvannamalai District
 3. The Election Officer/Co-operative Audit Officer
T.P.D.1264 Eanathavadai Milk Producers
Co-operative Society
Cheyyar Taluk
Thiruvannamalai District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Declaration, to declare that the election results published on 28.03.2018 by the third respondent society viz., T.P.D.1264 Eanathavadai Milk Producers Co-operative Society, Cheyyar Taluk, Thiruvannamalai District stating that 9 candidates mentioned in the list were declared duly elected as members for the Board of Directors said society since the number of valid nominations was lesser than the number of candidates required to be elected is arbitrary, illegal and null and void in the eye of law and consequently direct the respondents to conduct fresh elections as per the Rule 52(6)(a) of the Tamil Nadu Co-operative Societies Act 1988 for the third respondent society viz., T.P.D.1264 Eanathavadai Milk Producers Co-operative Society, Cheyyar Taluk, Thiruvannamalai District.

For Petitioner :: Mr.K.Balu

For Respondents :: Mr.M.S.Palanisamy
 Standing Counsel for R1
 Mr.L.P.Shanmugasundaram
 Special Government Pleader
 (Co-op.)
 for R2 & 3

ORDER

This writ petition has been filed seeking a declaration to declare that the election results published on 28.03.2018 by the third respondent society viz., T.P.D.1264 Eanathavadai Milk Producers Co-operative Society, Cheyyar Taluk, Thiruvannamalai District, by which the members were declared as duly elected for the Board of Directors of the said society, which is illegal, arbitrary and null and void in the eye of law with a consequential direction to the respondents to conduct fresh elections as per the Rule 52(6)(a) of the Tamil Nadu Co-operative Societies Act 1988 for the third respondent society viz., T.P.D.1264 Eanathavadai Milk Producers Co-operative Society, Cheyyar Taluk, Thiruvannamalai District.

2. Since the learned counsel for the petitioner fairly submitted that the election to the third respondent society was already conducted and the results were also declared on 28.3.2018 declaring the elected members to the third respondent society, the petitioner has to necessarily approach only the Election Tribunal under Section 90 of the Tamil Nadu Co-operative Societies Act. Leaving that legal course, the writ petition under Article 226 is not maintainable, as that stage has already gone. Therefore, this writ petition is dismissed giving liberty to the petitioner to work out his remedy by approaching the Tribunal under Section 90 of the Act. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

ss

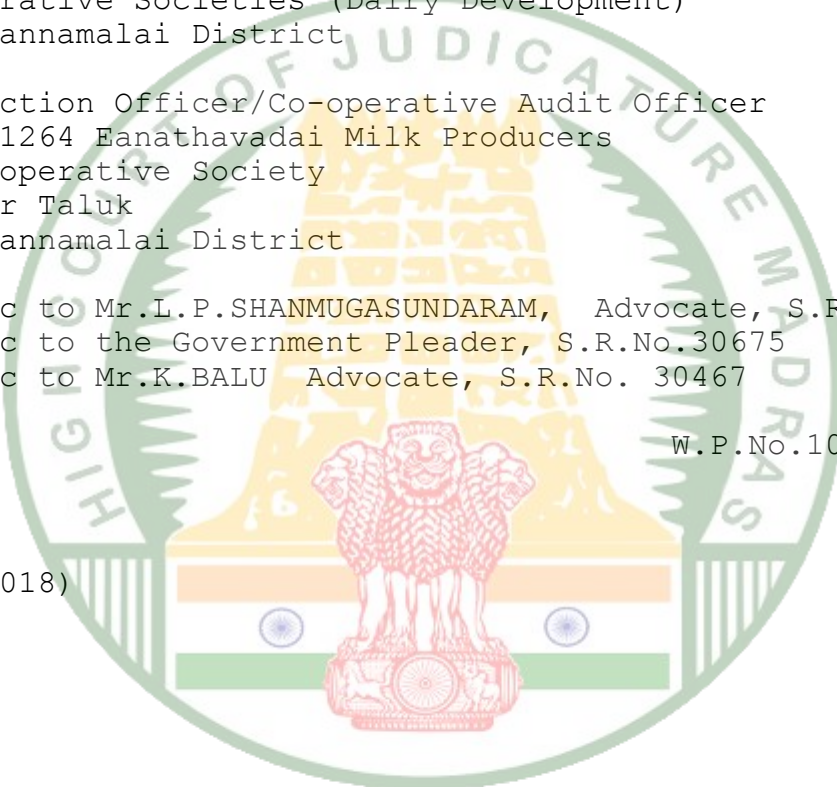
To

1. The Secretary
Tamil Nadu State Co-operative
Societies Election Commission
No.273, Kamadhenu Super Market
Anna Salai
Chennai 600 018
2. The District Election Officer/Deputy Registrar
Co-operative Societies (Dairy Development)
Thiruvannamalai District
3. The Election Officer/Co-operative Audit Officer
T.P.D.1264 Eanathavadai Milk Producers
Co-operative Society
Cheyyar Taluk
Thiruvannamalai District

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No.30839
+1cc to the Government Pleader, S.R.No.30675
+1cc to Mr.K.BALU Advocate, S.R.No. 30467

W.P.No.10070 of 2018

SG(CO)
TR(10/05/2018)



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