

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.7142 of 2018

and

W.M.P.Nos.8846 & 8847 of 2018

1. N.Jayaraman
2. P.Murugesan
3. T.Ayyamperumal
4. Govindaraj
5. M.Palanivel
6. R.Amirtham
7. K.Sumathy
8. A.Kasi
9. P.Kumar

... Petitioners

versus

1. The Joint Registrar of Co-operative Societies, Salem District, Collectorate, Salem.
2. The Deputy Registrar of Co-operative Societies/ District Election Officer, Near Rasipuram Division Road, Aathur, Salem District.
3. The Secretary, S.6749, Umayalpuram Primary Agricultural Cooperative Credit Society, Pethanaickenpalayam Taluk, Salem District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to receive the petitioners' nominations on 26.03.2018 for the election to be conducted for S.6749, Umayalpuram Primary Agricultural Cooperative Credit Society, Pethanaickenpalayam Taluk and Salem District.

For Petitioners	: Mr.R.Jayaprakash
For Respondents	: Mr.L.P.Shanmugasundaram, Special Government Pleader

O R D E R

This writ petition is filed seeking for a mandamus directing the 2nd respondent to receive the petitioners' nominations on 26.03.2018 for the election to be conducted for S.6749, Umayalpuram Primary Agricultural Cooperative Credit Society, Pethanaickenpalayam Taluk and Salem District.

2. Heard the learned counsel for the petitioners and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents.

3. The grievance of the petitioner before this Court is that the respondents are not accepting the nomination filed by the petitioners without even assigning any reasons.

4. On the other hand, the learned Special Government Pleader, based on instruction, submitted that the names of these petitioners are not found in the voters list and therefore, they are not entitled to file the nomination. Therefore, he submitted that the question of accepting the nomination does not arise from a person who is not a voter. It is also stated by the learned Special Government Pleader that when the draft voters list was published, the petitioners have not chosen to make their objections in time and therefore, they cannot be heard to say that their nomination paper has to be accepted.

5. Upon hearing the rival contentions of the parties, this Court is of the considered view that it is matter to be agitated under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983, as an election dispute before the concerned authority, after declaration of the election result. Therefore, I find that the present writ petition is not maintainable, at this stage, when admittedly, the election process has already commenced and is going on. Accordingly, the writ petition is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed. सत्यमेव जयते

Sd/-

Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Joint Registrar of
Co-operative Societies,
Salem District,
Collectorate, Salem.
2. The Deputy Registrar
of Co-operative Societies/
District Election Officer,
Near Rasipuram Division Road,
Aathur, Salem District.

+1cc to Mr.L.P.Shanmugasundaram,, Advocate, S.R.No.23308
+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.23194
+1cc to the Government Pleader, S.R.No.23358

W.P.No.7142 of 2018

gmi(co)
cs/09/04/18



WEB COPY