

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.7154 of 2018
and
W.M.P.Nos.8877 & 8878 of 2018

G.Ganesan

... Petitioner

versus

1. The State Election Commissioner
Cooperative Elections,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Teynampet,
Anna Salai,
Chennai - 600 018.
2. The District Election Officer,
(Cooperative Elections)
O/o. Deputy Registrar of Co.op. Societies
(Dairying),
Vellore - 632 001.
3. The Election Officer/ Headmaster,
Sekkadakuppam,
C.1706 Sholingapuram Milk
Producers Cooperative Society,
Sholingapuram,
Sholingur - 631 102
Vellore District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari to call for the entire records relating to the impugned election notification issued by the 2nd respondent in his proceedings Na.Ka.No.279/E/2018-112 dated 12.03.2018 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.C.Munusamy,
Standing Counsel for R1
Mr.L.P.Shanmugasundaram,
Special Government Pleader for R2 & R3

O R D E R

Mr.C.Munusamy, learned Standing Counsel takes notice for the 1st respondent, Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the 2nd and 3rd respondents. By consent of the parties the main writ petition is taken up for final disposal.

2. The petitioner has filed the writ petition challenging the election notification issued by the 2nd respondent dated 12.03.2018, in respect of election to the Sholingapuram Milk Producers Cooperative Society, Sholingapuram, Vellore District.

3. Heard Mr.C.Prakasam, learned counsel for the petitioner, Mr.C.Munusamy, learned Standing Counsel appearing for the 1st respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the 2nd and 3rd respondents.

4. The grievance of the petitioner is that the deletion of the petitioner's name in the voter's list without giving any notice and without giving any opportunity is illegal and arbitrary and consequently, the conduct of election without including the petitioner's name in the voters list is illegal.

5. Admittedly, the case of the petitioner is that his name is removed from the voters list. It is also not in dispute that the election process has already commenced by issuing notification as early as on 12.03.2018. When such being the factual position, the disputes arising out of such election has to be agitated only by raising election disputes under Section 90 of the Tamil Nadu Cooperative Societies Act, after declaration of the election results. Therefore, I do not think that the petitioner is entitled to challenge the very election notification itself by filing the present writ petition.

6. Thus, without expressing any view on the merits and contentions raised by the petitioner, this writ petition is dismissed as not maintainable, however, by granting liberty to the petitioner to agitate the matter before the concerned authority under Section 90 of the Tamil Nadu Cooperative Societies Act, after declaration of the results. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-CCC)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The State Election Commissioner
Cooperative Elections,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
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Anna Salai,
Chennai - 600 018.

2. The District Election Officer,
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O/o. Deputy Registrar of Co.op. Societies
(Dairying), Vellore - 632 001.

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Sekkadakuppam,
C.1706 Sholingapuram Milk
Producers Cooperative Society,
Sholingapuram,
Sholingur - 631 102
Vellore District.

+1 CC TO MR.C.Prakasam, Advocate SR. No.23397

+1 CC TO MR.L.P.Shanmugasundaram, Advocate SR. No.23305

+1 CC TO The government Pleader SR.NO. 23357

W.P.No.7154 of 2018

RMP (28/03/2018)

सत्यमेव जयते

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