

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.04.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.8161 of 2018

E.Arunagiri

.. Petitioner

Versus

1.The Commissioner,
Tamil Nadu Co-operative
Societies Election Commission,
No.273, Anna Salai,
Chennai-600 018.

2.The Registrar of Co-operative Societies,
Kilpauk, Chennai-600 010.

3.The District Election Officer,
The Deputy Registrar,
Madhuranthagam Circle,
Kancheepuram, Kancheepuram District.

4.The Special Officer,
G.2275, Padalam Primary Agricultural
Co-operative Society,
Padalam, Kancheepuram District.

5.The District Collector,
Kancheepuram,
Kancheepuram District.

6.The Superintendent of Police,
Kancheepuram, Kancheepuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to ensure free and fair election

to the Board of Directors of the fourth respondent Society, such as, availability of nomination of forms for all the eligible and deserving candidates, scrutiny of the nomination forms, police protection, voting by eligible and deserving members with proper identification and Videography of the entire election process and consequently to appoint an Election Observer in the place of or in addition to Returning Officer for the ensuing election for the G.2275, Padalam Primary Agricultural Co-operative Society, Padalam, Madhuranthagam Taluk, Kancheepuram District on 09.04.2018 and conduct the election in a fair and proper manner and in accordance with law.

For Petitioner : Mr.N.Nithianandam

For Respondents : Mr.M.S.Palanisamy,
Standing Counsel for R1

Mr.L.P.Shanmugasundaram,
Special Government Pleader for R2 to R6

ORDER

This writ petition has been filed seeking a direction to the respondents to ensure free and fair election to the Board of Directors of the fourth respondent Society, such as, availability of nomination of forms for all the eligible and deserving candidates, scrutiny of the nomination forms, police protection, voting by eligible and deserving members with proper identification and Videography of the entire election process and consequently to appoint an Election Observer in the place of or in addition to Returning Officer for the ensuing election for the G.2275, Padalam Primary Agricultural Co-operative Society, Padalam, Madhuranthagam Taluk,

Kancheepuram District on 09.04.2018 and conduct the election in a fair and proper manner and in accordance with law.

2.Learned counsel for the petitioner would submit that as per notification, the filing of nomination forms is fixed today i.e. on 09.04.2018 from 10.00 a.m. to 05.00 p.m. in the building of the fourth respondent society and the scrutiny of the nomination forms is also going to be made on 10.04.2018 from 11.00 a.m. to 04.00 p.m. He would further submit that the publication of eligible candidates will be on 10.04.2018 at 05.00 p.m. and the withdrawal of nomination will be on 11.04.2018 from 10.00 a.m. to 4.00 p.m. and the publication of final list of contesting candidates will be on 11.04.2018 itself at 05.00 p.m. and in case of any contest, the polling will be held on 16.04.2018 from 8.00 a.m. to 5.00 p.m. and counting of votes and declaration of results are scheduled on 17.04.2018 from 10.00 a.m. onwards. Learned counsel for the petitioner submitted that although the notification mentions the dates and events, in reality, the respondents have not issued any nomination form to the eligible and deserving candidates who are willing and prepared to contest the election and they are being prevented from entering into the place where the nomination forms are distributed.

3.Learned counsel for the petitioner would further submit that the members have demanded nomination forms, but the Returning Officer without any reason has refused to issue nomination forms to the members and rejected the nominations filed by the contestants illegally at the eleventh hour. Anticipating some game plan in the fourth respondent co-operative society, the petitioner has given a representation on 30.03.2018 to the Tamil Nadu Co-operative Societies Election Commissioner with the following prayers:

- 1.Nomination to all who wanted to contest elections;
- 2.The Election Officer should be fair and free in verifying the Nomination Form;
- 3.Kindly arrange video to be taken during nomination and election time;
- 4.Police protection during nominations and elections in Padalam Primary Society Elections May 2018.

Finding no response for his representation dated 30.03.2018 submitted to the first respondent, the petitioner has come to this Court.

4.Mr.M.S.Palanisamy, learned Standing Counsel appearing for the first respondent submitted that a detailed letter dated 01.03.2018 has been issued to the Director General of Police marking copies to all the Superintendent of Police in each district and also sending similar

communication to the District Collectors concerned directing them to hold free and fair election in all places if necessary by providing police protection. Therefore, the petitioner's application to the Election Officer who is bound by the communication dated 01.03.2018 shall move an application before the respective Station House Officer of the police station, who will also consider the request of the petitioner, since the motto of the first respondent is to hold a free and fair election.

5.Learned Special Government Pleader appearing for respondents 2 to 6 submitted that if the petitioner is interested in taking videos recording the entire events from the date of nomination till the date of declaration of results, it is open to him to meet the expenses for covering the video recording of the entire events for which they do not have any objection.

6.In reply, the learned counsel for the petitioner would submit that the petitioner will take all possible steps to cover up the entire events through video recording at his costs for which the Election Officer should be directed to co-operate.

7.Learned Special Government Pleader has reiterated his stand that he has already requested the Director General of Police and also the

Superintendent of Police along with the respective District Collector to provide all suitable arrangements to have a free and fair arrangement.

8.This Court finds no impediment to direct the third respondent to furnish nomination forms to the petitioner. Accordingly, the third respondent is directed to furnish the nomination forms to the petitioner and the third respondent is directed to receive the same, if it is presented in order. The petitioner is also directed to provide a copy of his representation dated 30.03.2018 to the third respondent today itself and on receipt of the same, the third respondent shall direct the concerned police station to provide police protection from the date of nomination till the date of declaration of results.

9.Mr.M.S.Palanisamy, learned Standing Counsel appearing for the first respondent is directed to inform the order telephonically to the third respondent to give nomination forms to the petitioner and similarly placed persons who had approached him and to co-operate with the petitioner for covering the entire events through videography.

10.Learned Special Government Pleader appearing for respondents 2 to 6 submitted that at the cost of the petitioner, the third respondent may be

directed to take videography to cover the entire events. Learned counsel for the petitioner submitted that they have their own videographer.

11.This Court, agreeing to the said request, directs the third respondent to have separate videographer to cover the entire election process at the cost of the petitioner.

12.Accordingly, this writ petition is disposed of. No costs.

09.04.2018

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Note: Issue order copy today



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T.RAJA,J.

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To

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