

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.20735 of 2018
and W.M.P.No.24358 of 2018

Pushparaj

.. Petitioner

vs

- 1 The Tamilnadu State Cooperative Societies
Election Commission,
Rep.by its Secretary, Door No.273
Kamadenu Super Market I Floor,
Anna Salai, Chennai-600 018.
 - 2 The Election Officer/ Deputy Registrar of Co-operative
Societies,
No.130,Chennai Corporation Employees Co-operative Society,
Ayya Mudali Street, Chindadripet,
Chennai-600 002.
 - 3 The Secretary,
No.130,Chennai Corporation Employees Co-operative Society,
Ayya Mudali Street, Chindadripet,
Chennai-600 002.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring the election results of the 3rd respondent society published on 07.08.2018 stating that 11 candidates contested were declared duly elected as members for the Board of Directors of the 3rd respondent society as arbitrary, illegal and null and void in the eyes of law and consequently direct the respondents to conduct fresh elections as per rules codified under the Tamil Nadu Co-operative Societies Act.

For Petitioner : Mr.D.Gopikrishnan

For Respondent-1 : Mr.M.S.Palanisamy
Standing counsel

For Respondents 2 & 3 : Mr.L.P.Shanmugasundaram, Spl.G.P.

O R D E R

This writ petition has been filed to declare the election conducted by the third respondent to the Board of Directors of the third respondent/society as null and void.

2 According to the petitioner, the Election to the Board of Directors of the third respondent/society was conducted on 07.05.2018. The election has been conducted in total violation of procedure contemplated under the Tamil Nadu Co-operative Societies Act and the Tamil Nadu Co-operative Societies Rules, and on 07.08.2018, the Election Officer has announced 11 candidates as elected as Board of Directors. Challenging the same, the present writ petition has been filed.

3 Now the law is well settled that, challenging the election proceedings, the remedy available to the petitioner is only under Section 90 of the Tamil Nadu Co-operative Societies Act and the petitioner cannot challenge the election in a proceedings under Article 226 of the Constitution of India. In the said circumstances, the petitioner cannot maintain the writ petition. Hence, the writ petition is liable to be dismissed. However, it is open to the petitioner to challenge the election by filing appropriate petition under Section 90 of the Tamil Nadu Co-operative Societies Act.

4 Accordingly, the writ petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (Audit)

//True copy//

Sub Assistant Registrar

rpl

To

- 1 The Secretary,
Tamilnadu State Cooperative Election Commission,
Kamadenu Super Market I Floor,
No.273, Anna Salai, Chennai-600 018.
- 2 The Election Officer/ Deputy Registrar of
Co-operative Societies, No.130, Chennai Corporation
Employees Co-operative Society,

Ayya Mudali Street, Chindadripet,
Chennai-600 002.

+1cc to Mr.L.P. Shanmugasundaram, Advocate SR.No.55821

+1cc to Mr.J. Brezhnev, Advocate SR.No.55752

+1cc to Government Pleader SR.No.56064

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and W.M.P.No.24358 of 2018

GMV (14/09/2018)



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