

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.8473 of 2018

and

W.M.P.Nos.10417 and 10418 of 2018

J.Gowri

... Petitioner

... Vs ...

1. The Election Commissioner,
Tamil Nadu State Co-operative
Societies Election Commission,
Kamadenu Super Market Building,
273, Scheme Rd, Subbarayan Nagar,
Teynampet,
Chennai - 600 018.
2. The District Election Officer/
Deputy Registrar of Co-operative Societies,
Ranipet Region,
Ranipet,
Vellore District.
3. The Election Officer,
Neelakandarayanpuram Primary
Agricultural Co-operative Credit Society,
C.No.2156,
Neelakandarayapuram,
Walajahpet Taluk,
Vellore District.

4. D.Krishnamoorthy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order declaring the election dated 07.04.2018 for the post of President of C.No.2156, Neelakandarayapuram Primary Agricultural Co-operative Credit Society, issued by the third respondent, quash the same and consequently direct the respondents 1 to 3 to conduct the election afresh for the post of President in the manner known to law.

For Petitioner : Mr.N.Manokaran

for Mr.P.Krishnan

For R-1 : Mr.M.S.Palanisamy,
Standing Counsel

For RR-2 & 3 : Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

The present writ petition is directed against the impugned order dated 07.04.2018 electing the fourth respondent as President of the third respondent Society through drawal of lot at 9.00 p.m.

2. Learned counsel appearing for the petitioner submitted that when the election for 11 Directors to the Neelakandarayapuram Primary Agricultural Co-operative Credit Society C.No.2156 was held on 02.04.2018, 11 Directors were elected including the petitioner and the fourth respondent. Thereafter, on 07.04.2018, the third respondent has fixed the date for electing the President of the elected board consisting of 11 members. While so, at 1.00 p.m., the petitioner and the fourth respondent secured five votes equally in the said election. The respondents 3 and 4 went to the office of the second respondent at Ranipet and after some discussion, a request was sent to the petitioner's husband Mr.Jaisankar to come to the office of the second respondent. After accepting the said request, the petitioner's husband Mr.Jaisankar went to the office of the second respondent at about 7.30 p.m., wherein, he was forced to give his consent for conducting a drawal of lot. Although the petitioner's husband refused, respondents 2 to 4 have over powered him and played a camouflage to get his signature as if he has given consent for the drawal of lot and after some time, they declared that the fourth respondent has been elected as President of the Society. Since a calculated conspiracy has taken place, the impugned order is liable to go.

3. But the petitioner has wrongly come to this Court instead of approaching the Election Tribunal under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. Therefore, once the fourth respondent has been declared as elected candidate for the post of President, this Court has no jurisdiction to entertain this petition and hence, this Writ Petition is dismissed. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Jrl

To

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Vellore District.

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No.26408
+1cc to Mr.P.KRISHNAN, Advocate, S.R.No. 26130
+1cc to the Government Pleader, S.R.No.27240

W.P.No.8473 of 2018

TR(09/05/2018)