

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.8489 of 2018

and

W.M.P.No.10450 of 2018

T.A.K.Viswanathan

... Petitioner

.. Vs ..

1. The Commissioner,  
State Co-operative Election Commission,  
Kamadhenu Super Market Building,  
No.273, Scheme Road,  
Subburaya Nagar,  
Teynampet,  
Anna Salai, Chennai - 18.
2. The District Election Officer,  
Joint Registrar of Co-operative Societies,  
Cuddalore, Cuddalore District.
3. The Election Officer,  
E.2591, Paravathipuram Urban  
Co-operative Credit Society,  
Paravathipuram, Vadalur,  
Kurinjipadi TK,  
Cuddalore District.
4. The Inspector of Police,  
Vadalur Police Station,  
Kurinjipadi TK,  
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to conduct the election of the E.2591, Paravathipuram Urban Co-operative Credit Society, Paravathipuram, by providing adequate police protection under the supervision of the higher officials of the Revenue Department by taking Video Coverage from the date of nomination till counting process i.e., 09.04.2018 to 17.04.2018 at the petitioner's cost.

For Petitioner : Mr.P.Paramasivadoss  
For R-1 : Mr.M.S.Palanisamy,  
Standing Counsel  
For RR-2 to 4 : Mr.L.P.Shanmugasundaram  
Special Government Pleader  
- - - - -

ORDER

This writ petition has been filed seeking a direction to the respondents to conduct the election of the E.2591, Paravathipuram Urban Co-operative Credit Society, Paravathipuram, by providing adequate police protection under the supervision of the higher officials of the Revenue Department by taking Video Coverage from the date of nomination till counting process i.e., 09.04.2018 to 17.04.2018 at the petitioner's cost.

2. Learned counsel appearing for the petitioner would submit that as per election notification, the date of 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 third respondent society; 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.; the date of publication of the final list of candidates is fixed on 10.04.2018 at 05.00 p.m.; last date for withdrawal of nomination will be on 11.04.2018 from 10.00 a.m. to 4.00 p.m.; the date of 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.

3. Learned counsel appearing for the petitioner also submitted that in the event of the nomination papers were issued at the insistence of the candidates, the nominations were rejected without any official process. Anticipating some game plan in the third respondent co-operative society, the petitioner has given a representation on 07.04.2018 to the Tamil Nadu Co-operative Societies Election Commissioner seeking police protection and also for taking video coverage of the entire process of election i.e., filing of nomination, scrutinisation, polling and counting. Finding no response for his representation dated 07.04.2018 submitted to the first respondent, the petitioner has approached this Court with the aforesaid prayer.

4. Mr.M.S.Palanisamy, learned Standing Counsel appearing for the first respondent submitted that a detailed letter in D.O.Letter No.232/2018/Ku.Election 2(3), 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. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for respondents 2 to 4 submitted that if the petitioner is interested in taking video coverage of the entire events from the date of filing of the nomination till the date of declaration of results, it is open to him to meet the expenses for taking video coverage of the entire events for which the petitioner do not have any objection.

6. In reply, the learned counsel appearing for the petitioner would submit that the petitioner will take all possible steps to cover up the entire events through video recordings 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, Superintendent of Police and also the respective District Collectors to provide all suitable arrangements to have a free and fair election.

8. In view of the above, this Court finds no impediment to direct the third respondent to receive the nomination forms from the petitioner. Accordingly, the third respondent is directed to receive the nomination forms from the petitioner, if it is presented in order.

9. Mr.M.S.Palanisamy, learned Standing Counsel appearing for the first respondent is directed to inform the order telephonically to the Election Officer to co-operate with the petitioner for covering the entire events through videography.

10. Learned Special Government Pleader appearing for respondents 2 to 4 submitted that at the cost of the petitioner, the third respondent may be directed to take video coverage of 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. With the above direction, this Writ Petition is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Jrl  
To

1. The Commissioner,  
State Co-operative Election Commission,  
Kamadhenu Super Market Building,  
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Anna Salai, Chennai - 18.
2. The District Election Officer,  
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3. The Election Officer,  
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Kurinjipadi TK,  
Cuddalore District.

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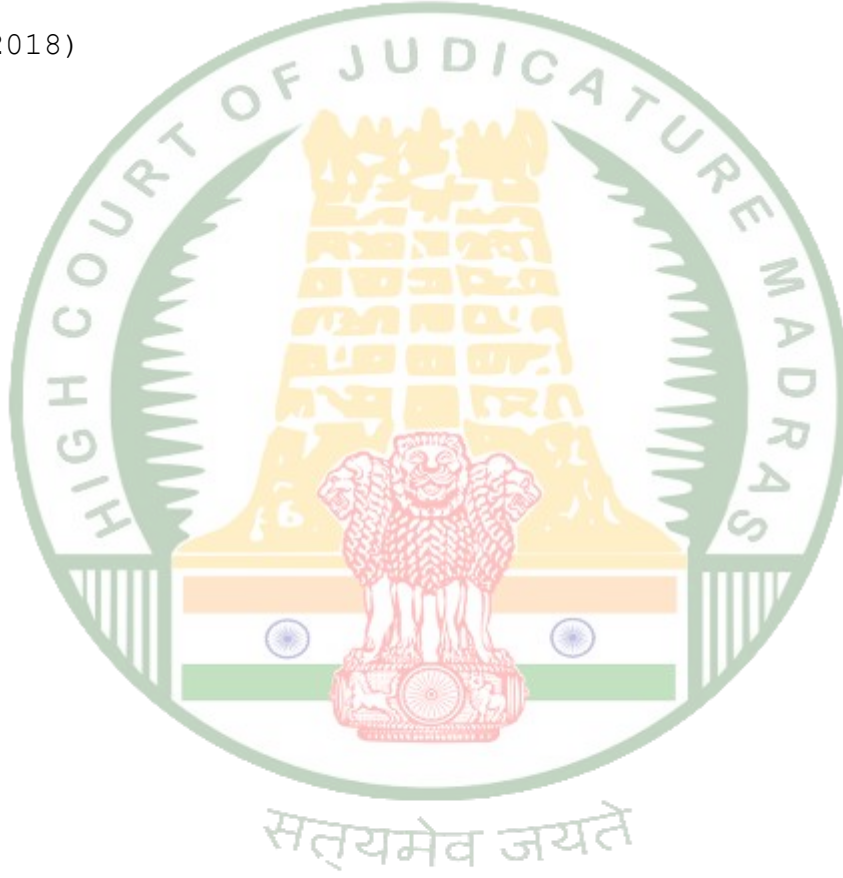
4. The Inspector of Police,  
Vadalur Police Station,  
Kurinjipadi TK,  
Cuddalore District.

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No.26403

+1cc to Mr.P.PARAMASIVADOSS, Advocate, S.R.No. 26045

W.P.No.8489 of 2018

SJ(CO)  
TR(25/04/2018)



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