

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.03.2018
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.7585 of 2018
and
W.M.P.No.9474 of 2018

V.Anbazhagan

... Petitioner

vs.

1. The Joint Registrar of Co-operative Societies,
Co-operative Department,
Ariyalur.
2. The District Election Officer,
Co-operative Department,
Ariyalur District.
3. The Secretary,
R-1283, Anaikudam Primary Agricultural
Co-operative Societies,
Anaikudam,
Udayarpalayam Taluk,
Ariyalur District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondents to correct the voters list of the 3rd respondent Society, in R.1283, Anaikudam Primary Agriculture Cooperative Society, Ariyalur District, by removing the name of dead persons and conduct the election with the corrected list of the voters.

For Petitioner : Mr.R.Saravanakumar

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

The petitioner seeks for a Mandamus to direct the 2nd respondent to correct the voters list of the 3rd respondent Society by removing the name of dead persons and conduct the election with the corrected list of the voters.

2. Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents.

3. The grievance of the petitioner before this Court is that the election to the 3rd respondent Society is being conducted with the voters list containing the name of some dead persons. Therefore, now, the petitioner seeks for correction of the voters list.

4. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents submitted that a draft voter list was already published on 19.03.2018 by granting sufficient time for making objection, if any, on such voters list. He further submitted that when such opportunity is given to make objections, the respondents did not receive any objection and therefore, the election is being conducted with the present voters list.

5. Heard both sides.

6. There is no dispute to the fact that the election process has already commenced and the same is on. If the petitioner is having any grievance in respect of conduct of the election, he has to agitate the same by filing the election dispute under section 90 of the Tamil Nadu Co-operative Societies Act, that too, after declaration of the results. When such course of action is available under the very statute itself, the petitioner is not entitled to maintain the present writ petition, that too, after commencement of the election process. It is well settled that once the election process has commenced, the same cannot be interfered with in the middle of such process as the parties have to agitate their dispute only by way of election petition. Accordingly, without expressing any view on the merits of the matter, this writ petition is disposed of, only by granting liberty to the petitioner to agitate the matter by way of election dispute, after declaration of the results. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Joint Registrar of Co-operative Societies,
Co-operative Department,
Ariyalur.
2. The District Election Officer,
Co-operative Department,
Ariyalur District.
3. The Secretary,
R-1283, Anaikudam Primary Agricultural
Co-operative Societies,
Anaikudam,
Udayarpalayam Taluk,
Ariyalur District.

+1 cc to M/s.R.Saravanakumar Advocate sr 24058

+1 cc to M/s.L.P Shanmugasundaram Advocate sr 24542

W.P.No.7585 of 2018

rr(co)
aa09/04/2018



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