

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.10.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P.No.8468 of 2018
and
W.M.P.Nos.10413 and 10414 of 2018

1.Tmt.V.Amutha
2.Tmt.P.Easwari
3.Tmt.M.Mallika
4.K.Ramasamy
5.S.Kuppusamy
6.N.Kirubanandham
7.N.Annadurai
8.S.Marimuthu
9.A.Ramesh@Sellamuthu
10.P.K.Selvaraj
11.K.Sivakumar

... Petitioners

..Vs..

1.The District Election Officer and
Deputy Registrar of Co-operative Societies,
Dharapuram, Tiruppur District.

2.The Election Officer,
K.386, Ramegoundenpudur Primary Agricultural
Co-operative Credit Society Ltd,
Metrathi & Post,
Madathukkulam Taluk,
Tiruppur District.

3.The Commissioner,
Tamilnadu State Co-operative Societies,
Election Commission,
No.273, Kamadhenu Supermarket,
Chennai-18.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorarified
Mandamus calling for the records of the 3rd respondent in
Na.Ka.No.321/2018/koo they 1(2) dated 09.08.2018 in so far as it
relates to the cancellation of elections to the post of Board
of Directors of the K.386, Ramegoundenpudur, Primary
Agricultural Co-operative Credit Society Ltd, Metrathi & Post,

Madathukkulam Taluk, Tiruppur District and quash the same and consequently direct the respondents to continue the election of the Board of Directors from the stage when it was stopped by the 2nd respondent.

For Petitioner : Mr.S.Kamadevan

For Respondent : Mr.L.P.Shanmugasundaram,
R1 - R2 Special Government Pleader.

For R3 : M.S.Palanisamy

O R D E R

This writ petition has been filed challenging the order passed by the third respondent cancelling the election held to the Board of Directors of the second respondent Co-operative Society.

2. The grievance of the petitioner is that the election to the second respondent Co-operative Society was scheduled to held in the month of March 2018. Pursuant to the same, all the petitioners have filed their nominations on 26.03.2018, and after scrutiny of nomination, on 27.03.2018, the Election Officer accepted the petitioners nominations. At that stage, the Election Officer has passed an order postponing the election. Challenging the order passed by the Election Officer, the present writ petition has been filed. Pending writ petition, the first respondent passed an order canceling the entire election, now the petitioner is challenging the order passed by the first respondent by amending the prayer in this writ petition.

3. The learned counsel for the petitioner submitted that the election was postponed after scrutiny of nomination and final list of candidate was published. At that stage, the election was stopped, now the first respondent, without assigning any reason whatsoever, cancelled the entire election and directed to conduct the election from the beginning. The order passed by the respondent without assigning any reason whatsoever, is liable to be set aside. Subsequent to the order passed by the first respondent, they have also made a representation to the first respondent on 06.09.2018, and that was also now pending with the first respondent. But, so far no order has been passed.

4.The learned counsel appearing for the first respondent submitted that based on the report submitted by the concerned authorities, the order has been passed cancelling the election and the third respondent has power under Rule 52 of the Tamil Nadu Co-operative Societies Rules.

5. I have considered the rival submissions and perused the materials available on records carefully.

6. Admittedly, the election was stopped after the scrutiny of nominations. Earlier, the election was postponed by the Election Officer on the ground that there were some disturbances in publishing the final list. That being the position, now the first respondent cancelled the entire election without assigning any reason whatsoever. Even though, the first respondent has power to cancel the election or resume the election from any stage, under Rule 52(18) of the Tamil Nadu Co-operative Societies Rule. For cancelling the entire election, the first respondent has to give reason for the same. From the perusal of the order, it could be seen that no reason has been assigned by the first respondent for ordering fresh election. Hence, the impugned order passed by the first respondent is liable to be set aside on that ground alone without going into the merit of the case.

7. Accordingly, the order passed by the *3rd respondent is set aside and the matter is remanded to the *3rd respondent. The *3rd respondent is directed to pass a fresh order, giving reasons for the same, within a period of six weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

06.12.2018

*** Corrected as per the order
of this court dated 26.03.2019
made in WP.8468 of 2018**

Sd/-

Assistant Registrar (CS IV)

Dated 01.04.2019

//True Copy//

Sub Assistant Registrar

mrp/mbi

To

1. The District Election Officer and
Deputy Registrar of Co-operative Societies,
Dharapuram, Tiruppur District.

2.The Election Officer,
K.386, Ramegoundenpudur
Primary Agricultural
Co-operative Credit Society Ltd,
Metrathi & Post,
Madathukkulam Taluk,
Tiruppur District.

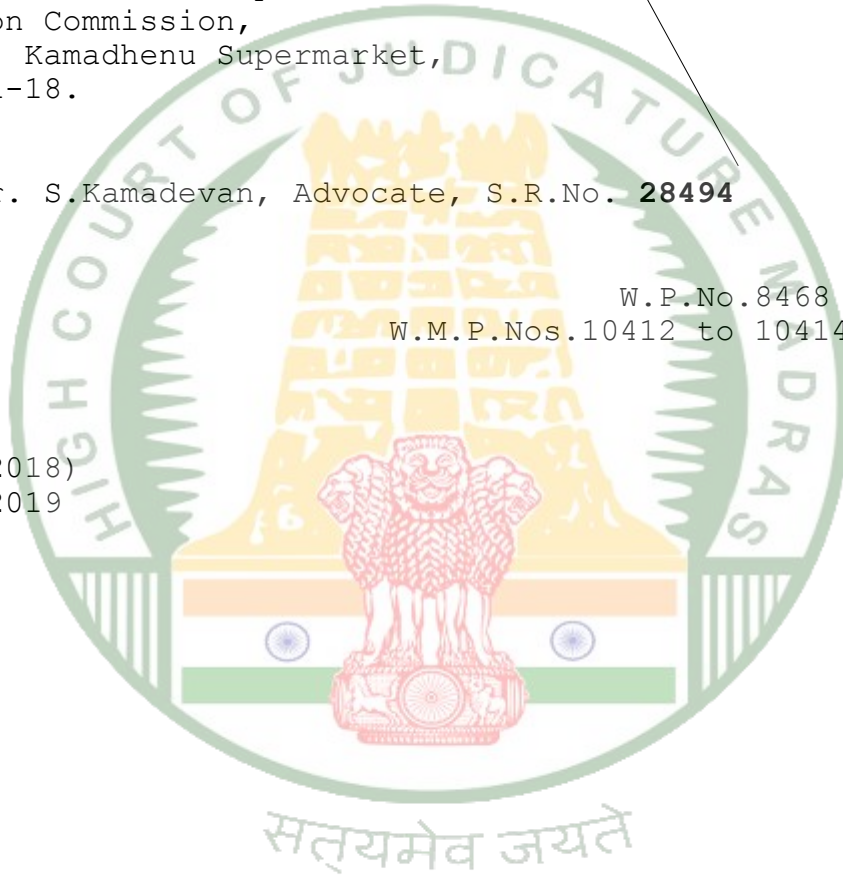
**To be Substituted to
the order already
despatched on 24.01.19**

3.The Commissioner,
Tamilnadu State Co-operative Societies,
Election Commission,
No.273, Kamadhenu Supermarket,
Chennai-18.

+1cc to Mr. S.Kamadevan, Advocate, S.R.No. **28494**

W.P.No.8468 of 2018 and
W.M.P.Nos.10412 to 10414 & of 2018

AD(CO)
GN(10/12/2018)
CS/02/04/2019



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