

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.7582 of 2018

K.V.Bharathiprabhu

... Petitioner

vs.

1.The Returning Officer/ Election Officer,
The Cuddalore District Panchayat Union,
Primary School Teachers' Co-operative Thrift
and Credit Society Ltd.,
Cuddalore.

2. The Registrar of Co-operative Societies,
Cuddalore, Tamil Nadu.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to include the petitioner's name in the prospective list of candidates in the election of Directors of Cuddalore Panchayat Union Primary School Teachers Co-operative Thrift and Credit Society Ltd., to be held on 02.04.2018.

For Petitioner : Mr.R.Sankarasubbu
for Mr.M.Prabakaran

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

O R D E R

This writ petition is filed seeking for a direction to the respondents to include the petitioner's name in the prospective list of candidates in the election of Directors of Cuddalore Panchayat Union Primary School Teachers Co-operative Thrift and Credit Society Ltd., to be held on 02.04.2018.

2. Heard Mr.R.Sankarasubbu, learned counsel for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents.

3. The grievance of the petitioner before this Court is that though his name is found in the eligible voter's list, his nomination has been rejected without having any valid reason. Therefore, the petitioner seeks for the present relief as stated supra.

4. Admittedly, the election process has already commenced and the same is going on. When that being the factual position, the petitioner has to only agitate the matter under Section 90 of the Tamil Nadu Co-operative Societies Act, as an election dispute, that too, after declaration of the result. When such remedy is available under the very statute itself, the petitioner is not entitled to file the present writ petition, more particularly, when it is settled law that questioning the election, cannot be entertained, once the election process has commenced. Accordingly, the writ petition is disposed of without expressing any view on the merits of the matter, however, by granting liberty to the petitioner to work out his remedy under Section 90 of the Tamil Nadu Cooperative Societies Act, after declaration of the results. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Returning Officer/ Election Officer,
The Cuddalore District Panchayat Union,
Primary School Teachers' Co-operative Thrift
and Credit Society Ltd.,
Cuddalore.

2. The Registrar of Co-operative Societies,
Tamil Nadu.

+1cc to Mr.L.P.Shanmugasundaram Advocate SR.No.24538

SDR 09.04.2018

W.P.No.7582 of 2018