



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.20912 of 2018 and
W.M.P.Nos.24554 & 24594 of 2018

K.T.Palanisamy
... Petitioner

..Vs..

- 1.The Election Commissioner,
Tamilnadu State Cooperative
Societies Election Commission,
Kamadenu super market building,
273, Scheme Road, Subbarayan Nagar,
Teynampet,
Chennai - 600018.
- 2.The District Election Officer/
Deputy Registrar of Cooperative Societies,
Tiruppur Region,
Tiruppur District.
- 3.The Election Officer,
K-2019, Thekkalur Primary
Agricultural Cooperative Credit,
Society, Thekkalur,
Tiruppur District.
- 4.Jayalakshmi
- 5.Parameshwari
- 6.Vijayalakshmi
- 7.Ramasamy
- 8.Ramasamy
- 9.Jeganathan
- 10.Karuppasamy@Mani,
- 11.Karuppasamy
- 12.Marappan
- 13.Mohanraj
- 14.Sugumar

... 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 relating to Declaration of elected candidates list dated 07.08.2018 issued by the 3rd respondent Society quash the same as illegal, unconstitutional and violation of this Court order in W.P.No.12033 of 2018 etc., and consequently direct the 1st respondent to pass appropriate orders in the enquiry proceedings in Na.Ka.No.5185/2018/Co.El.2.

For Petitioner : Mr.Prabakar

For Respondent : Mr.M.S.Palaniswamy,
Standing Counsel for R1.

: Mr.L.P.Shanmugasundaram,
Special Government Pleader,
for R2 & R3.

O R D E R

Though this matter was disposed of on 16.08.2018, this court has not signed the same and the writ petition is listed today (28.09.2018) under the caption "Being Mentioned" and this writ petition is disposed of today (28.09.2018).

2. This writ petition has been filed challenging the Election conducted for the post of the Board of Directors to the third respondent Co-operative Society.

3. According to the petitioner, the election to the Board of Directors to the third respondent was scheduled to be held on 09.04.2018. The petitioner has filed his nomination, and the scrutiny of nomination was fixed on 23.04.2018. But, on that date, the scrutiny was not conducted and the eligible nomination list was also not published by the Election Officer. Hence, the petitioner has sent representations to the first respondent and other respondents regarding the same. Thereafter, pursuant to the order passed by the Madurai Bench of this Court, the election has been stopped. Subsequently, all of a sudden, election result was published declaring 11 persons as the Board of Directors. Under such circumstances, challenging the election, the present writ petition has been filed.

4. The learned counsel appearing for the petitioner submits that the petitioner has already filed a complaint before the Election Commission. Based on the complaint, the Election Commission also issued a notice to the petitioner for enquiry on 18.07.2018. On that date, the petitioner has appeared and filed his objections and thereafter, no order has been passed and the same is pending.

5. Mr.M.S.Palaniswamy, the learned Standing Counsel, appearing for the first respondent would submit that the petitioner's grievance has been covered by the order passed by the Division Bench of this Court dated 03.08.2018 in W.P.(MD) Nos.17730/2018 etc batch, wherein the Division Bench has held



that all the pending complaints are to be referred to the zonal Committee chaired by the retired Hon'ble Judge of this Court. Hence, it is submitted that no further order is required in this writ petition.

6. In view of the order of the above said Division Bench, the only remedy now open to the petitioner is to approach the committee to redress his grievances and this Court cannot grant the relief sought in the writ petition.

7. In the above circumstances, as the petitioner's complaint is pending with the Election Commission, it is open to the petitioner to approach the concern Zonal Committee for redressal of his grievance.

8. With the above observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

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Tiruppur District.

+1cc to Government Pleader sr.no.67823

W.P.No.29667 of 2017 and
W.M.P.Nos.31980 & 31981 of 2017

nr 04/10/2018