

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 20932 of 2018
and
W.M.P.No. 24574 of 2018

S.Venkatachalam

... Petitioner

Vs

1. The State Election Commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Teynampet, Anna Salai,
Chennai-18
2. The District Election Officer/
Deputy Registrar of Co-operative Societies,
Omalur Circle,
Salem District.
3. The Election Officer,
S.557, Navapatty Primary Agricultural
Co-operative Credit Society Limited.,
Navapatty Post, Mettur Taluk
Salem District-636 452

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the first respondent to pass orders in the complaint of the petitioner dated 27.04.2018 by referring to the Committee in respect of the election to the S.557, Navapatty Primary Agricultural Co-operative Credit Society Limited, Navapatty Post, Mettur Taluk, Salem District and consequently forbear the third respondent from allowing any one to taking charge, elect or discharge duties as President, Vice President and Directors till the complaint is decided by the committee to be constituted by the Government.

For Petitioner :Mr.G.Arul Murugan

For Respondents :Mr.M.S.Palanisamy
Standing Counsel,
for R1
Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 and R3

O R D E R

This writ petition has been filed seeking direction to the first respondent to pass orders on the complaint given by the petitioner dated 27.04.2018.

2. According to the petitioner, filing nomination for the post of Board of Directors was fixed on 09.04.2018 to the third respondent co-operative society and the petitioner along with twelve other candidates filed their nominations. On the date of scrutiny, namely 23.04.2018, the petitioner's nomination was not scrutinized, subsequently the Election Officer informed them that the nomination is under consideration and he will not proceed further till 03.05.2018. In the said circumstances, the petitioner sent a complaint to the first respondent alleging that the third respondent did not publish any results and he has been keeping the nominations pending. Now, according to the petitioner, after the judgment passed by this Court, the third respondent declared the results as eleven candidates were elected without passing any orders on his nomination. Hence, the present Writ Petition has been filed.

4. Earlier, when the matter was taken up for hearing, this court directed the first respondent to verify whether any complaint has been received from the petitioner.

5. Today Mr.M.S.Palanisamy learned counsel appearing for the first respondent submitted that the Commissioner has already received the complaint dated 27.04.2018, from the petitioner and so far the commissioner has not passed any order on the complaint.

6. Considering the fact that already the petitioner has filed his complaint on 27.04.2018, as per the the order passed by the Division Bench of this Court dated 03.08.2018 in W.P.(MD) Nos.17730/2018 etc batch, all the pending complaints are to be referred to the Zonal Committee chaired by the retired Hon'ble Judge of this Court. Hence, without going into the merits of the case, the first respondent is directed to refer the petitioner's complaint dated 27.04.2018 to the concerned Zonal

Committee.

7. With the above observations, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mrp/rst

To

1. The State Election Commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Teynampet, Anna Salai, Chennai-18
2. The District Election Officer/
Deputy Registrar of Co-operative Societies,
Omalar Circle, Salem District.
3. The Election Officer,
S.557, Navapatty Primary Agricultural
Co-operative Credit Society Limited.,
Navapatty Post, Mettur Taluk
Salem District-636 452

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.59494
+1cc to Mr.G.Arul Murugan, Advocate, S.R.No.60022
+1cc to the Government Pleader, S.R.No.59822

सत्यमेव जयते

W.P.No. 20932 of 2018
and

W.M.P.No. 24574 of 2018

RJ(co)
cs/11/10/2018

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