

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 8712 of 2018

and

W.M.P. 10630 & 10631 of 2018 & 29419/2018

K.Ayyadurai

... Petitioner

Vs

1. The Tamil Nadu State Cooperative Election Commissioner,
Teynampet,
Chennai-600 018.
2. The State Election Officer &
The Registrar of Cooperative Societies,
No.170, Periyar EVR High Road,
Kilpauk, Chennai-600 010.
3. The Regional Election Observer &
The Joint Registrar of Cooperative Societies,
Thiruvannamalai Region,
Thiruvannamalai.
4. The District Election Officer &
The Deputy Registrar of Cooperative Societies, Cheyyar,
Thiruvannamalai District.
5. HH191, Sunaipattu Primary Agricultural Cooperative Credit Society,
Sunaipattu, Vempakkam Taluk,
Thiruvannamalai District,
rep. by its President.
6. The Election Officer,
HH191, Sunaipattu Primary Agricultural Cooperative Credit Society,
Sunaipattu, Vempakkam Taluk,
Thiruvannamalai District.

7. G.Selvaraj,
Circle Supervisor,
Thiruvannamalai District Central
Cooperative Bank,
Cheyyar Branch, Cheyyar,
Thiruvannamalai District.

8. S.Janarthanam,
S/o. Suriyakotti,
Bajanai Koil Street,
Pulivalam Village,
Vempakkam Taluk,
Thiruvannamalai District.

9. M.Dinakar,
S/o. Munusamy,
139, Mettu Street,
Siruvanchipattu,
Vempakkam Tk.,
Thiruvannamalai Dt.

10. B.Mohan,
S/o. Babu,
1/255, Bajanai Koil Street,
Poonthandalam,
Vempakkam Tk.,
Thiruvannamalai Dt.

11. V.Natarajan,
S/o. Velu,
Mettu Street,
Sattuvanthangal,
Vempakkam Tk.,
Thiruvannamalai Dt.

12. A.Perumal,
S/o. Arumugam,
No.179, Perumal Koil Street,
Siruvanchipattu, Vempakkam Tk.,
Thiruvannamalai District.

13. B.Gajalakshmi @ Gaja,
W/o. Babu,
Pillaiyar Koil Street,
Siruvanchipattu,
Vempakkam Tk.,
Thiruvannamalai Dt.

14. S.Kamala,
W/o. Sundaram,
Madha Koil Street,
Panamugal,
Vempakkam Tk.,
Thiruvannamalai Dt.

15. K.Devaki,
W/o. Kathirvelu,
No.177, Bajana Koil St.,
Sunaipattu,
Vempakkam Tk.,
Thiruvannamalai Dt.

16. C.Adhikesavan,
S/o. Chinnapaiyan,
261, Puthu Street,
Sunaipattu,
Vempakkam Tk.,
Thiruvannamalai Dt.

17. M.Durgan,
S/o. Muniyandi,
1/22, Road, Street,
Poonthandalam,
Vempakkam Tk.,
Thiruvannamalai Dt.

(RR9 & 17 impleaded vide order
dated 03.10.2018 in WMP.29418/18)

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records from the file of the 6th respondent herein relating to the conduct of election to the post of President of the 5th respondent society, and the records relevant their to on the file of the respondent 1 to 4, quash the notification dated 07.04.2018 declaring the 8th respondent has duly elected to the post of president of the 5th respondent society and direct the 6th respondent to confirm the notification issued at about 1.15 PM on 07.04.2018 declaring, the petitioner herein duly elected to the post of President of the 5th respondent society.

For Petitioner : Mrs.Rita Chandrasekar
for M/s.Aiyar and Dolia

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

Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R2 to R6

O R D E R

This writ petition has been filed challenging the election to the post of President of the 5th respondent Cooperative Society.

2. The case of the petitioner is that the election to the Board of Directors of the 5th respondent society was conducted and 11 Directors were declared as elected. Thereafter, the election to the office-bearers viz., President and Vice-President was conducted on 07.04.2018, in which the petitioner was declared elected, and the election declaration was issued by the Election Officer. Thereafter, another declaration has been issued by the Election Officer declaring the 8th respondent was elected as a President. In the said circumstances, he has filed the present Writ Petition challenging the election to the post of President of the 5th respondent Cooperative society.

3. The 3rd respondent has filed a counter affidavit stating that the election to the office-bearers was conducted on 07.04.2018, in which the 8th respondent S.Janarthanam has secured 7 votes and the petitioner has secured 4 votes, and the declaration was issued declaring Mr.S.Janarthanam as elected, and due publication was also effected. Thereafter, the petitioner along with outsiders came to the society and threatened the Election officer to issue a declaration declaring the petitioner as a President. Hence, due to coercion and threat, he has issued another declaration declaring the petitioner as elected.

4. Now, there is a dispute arisen regarding the election to the post of President of the 5th respondent cooperative society. According to the petitioner, he was declared elected, whereas the election officer has filed an affidavit stating that only the 8th respondent was duly elected. Now, the 8th respondent has already taken charge as President of the 5th respondent Cooperative society, and administering the functions of the cooperative society. In the circumstances, if the petitioner has any grievance regarding the election, the only remedy available to him is to file a petition under Sec.90 of the Tamil Nadu Cooperative Societies Act challenging the election, as this Court cannot decide the disputed questions in this Writ Petition.

5. In the result, the present Writ Petition stands dismissed. However, liberty is given to the petitioner to file a petition challenging the election in the manner known to law. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Tamil Nadu State Cooperative
Election Commissioner,
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Chennai-600 018.
2. The State Election Officer &
The Registrar of Cooperative Societies,
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Kilpauk, Chennai-600 010.
3. The Regional Election Observer &
The Joint Registrar of Cooperative
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Thiruvannamalai Region,
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4. The District Election Officer &
The Deputy Registrar of Cooperative
Societies, Cheyyar,
Thiruvannamalai District.
5. The President,
HH191, Sunaipattu Primary Agricultural
Cooperative Credit Society,
Sunaipattu, Vempakkam Taluk,
Thiruvannamalai District,

6. The Election Officer,
HH191, Sunaipattu Primary Agricultural
Cooperative Credit Society,
Sunaipattu, Vempakkam Taluk,
Thiruvannamalai District.

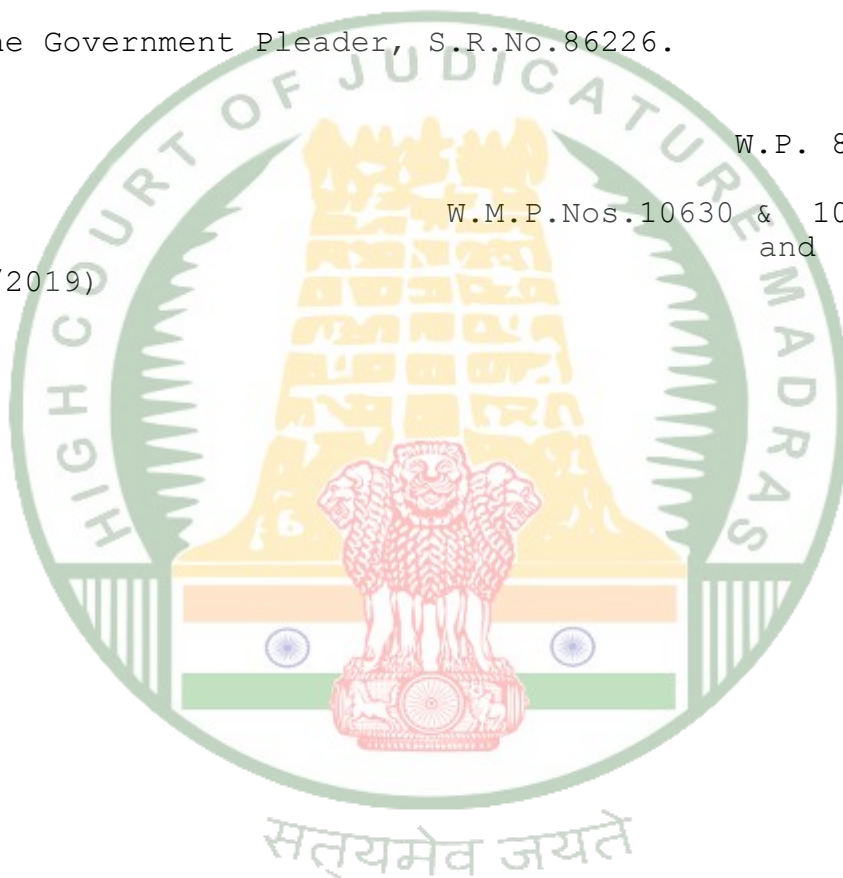
+2cc to M/s.Aiyar * Dolia, Advocate, S.R.No.85590

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.86153

+1cc to the Government Pleader, S.R.No.86226.

kak(09/01/2019)

W.P. 8712 of 2018
and
W.M.P.Nos.10630 & 10631 of 2018
and 29419/2018



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