

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.20984 of 2018

and

W.M.P.Nos.24629 to 24631 of 2018

1. S. Karunakaran
2. A. Varadaraj
3. P. Murugesan
4. P. Venkatesan
5. Kirubhananthan
6. V. Ramachandran
7. P. Subramanian
8. G.Sathyanarayanan

.....Petitioners

-Versus-

1. Government of Tamilnadu
Rep. by its Secretary,
Co- operative, Food and
Consumer Protection Department,
Fort St. George, Chennai -9
- 2.Tamilnadu Co-operative Societies,
Election Commission,
Rep. by Tamilnadu Co-operative
Societies Election Commissioner
Kamadenu Co-op. Super Market Building,
273, Scheme Road, Subbarayan Nagar,
Teynampet, Chennai -18.
3. Registrar of Co-operative Societies (Housing)
No.22, 4th Main Road, Gandhi Nagar,
Adayar, Chennai -22
4. The Deputy Registrar of Co-operative
Societies (Housing)
Chennai Region/ District Election Officer
for Co-operative Housing Societies,
Ramanathan Street,
T.Nagar, Chennai -17

5. The Returning Officer for Pallavan
Transport Corporation
Employees Co-operative
Housing Society Ltd.,
MDS/HSG/101, Pallavan Illam,
Pallavan Salai, Chennai -2
6. Pallavan Transport Corporation
Employees Co-operative
Housing Society Ltd.,
MDS/HSG/101, Pallavan Illam,
Pallavan Salai, Chennai -2
7. Thiru. Veeraraghavan
Superintendent, Tamilnadu Co-operative
Housing Federation,
Purasaiwakkam, Chennai-84 and
Returning Officer for Pallavan
Transport Corporation
Employees Co-operative
Housing Society Ltd.,
MDS/HSG/101, Pallavan Illam,
Pallavan Salai, Chennai -2
8. V.A. Murugan,
9. M. Ramadoss,
10. N. Sounder
11. J. Kasthuri
12. A. Mallika
13. G. Arasu
14. K. Kothandan
15. J. Malarvizhi Sheela
16. K.S. Ravichandran
17. M. Raju
18. P. Rajendran
19. S. Raja

.....

Respondents

Prayer:- Writ Petition has been filed under Article 226 of
Constitution of India, prayed to issue Writ of Certiorarified

Mandamus to call for the records pertaining to the election notification dated 10.08.2018 issued by the fourth respondent, insofar as the election to elect the members/office bearers of the Board of Directors of the sixth respondent Society and the lists of final valid nominations for election to the Board of 6th respondent society, published by the 5th/7th respondent on 11.08.2018, quash the same and all consequential proceedings thereto and consequently direct the respondents 1 to 4 to conduct a fair and free election for the 6th respondent society afresh, within a specified time, by accepting the petitioners nominations and allowing them to contest the election and to take appropriate action against the 5th/7th respondent for having violated the Rules and Procedures and for having supported only a particular group and for his illegal rejection of their nominations and for not including their names in the valid list of nominations.

For Petitioner : Mr.R.Krishnaswamy
For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R1, R3 to R7
Mr.M.S.Palanisamy for R2
Mr.Silambarasan,
Senior Counsel for R8 to
R12

ORDER

This writ petition has been filed challenging the validity of the final list of candidates eligible for contesting election to the 6th respondent society which was published by the 6th respondent - Election Officer on 11.08.2018.

2. According to the petitioners, election to the Board of Directors of the 6th respondent society was originally scheduled to be held on 07.05.2018. After the process of filing of nomination was over, final list of candidates eligible to contest the election was published by the Election Officer concerned. At that time, the petitioners made a complaint to the Election officer making certain allegation in regard to finalization of final list of eligible candidates for contesting election and based on such complaint, the election was rescheduled. As per the reschedule, the dates for scrutiny of nomination was fixed on 11.08.2018 between 11.00 a.m. and 04.00 p.m. and the publication of final list of contesting candidates was scheduled to be made on the same day at 05.00 p.m. The date for withdrawal of nomination was fixed on 13.08.2018 between 10.00 a.m. and 04.00 p.m. The date and time for holding elections/poll , if necessary was scheduled on 16.08.2018 from 08.00 a.m. Further, according to the petitioner, on 11.08.2018,

after the scrutiny of the nominations, the Election Officer has again published the very same final list which was published earlier. Therefore, the petitioners once again made a complaint on 12.08.2018. Since the complaint made by the petitioners has not been considered, they are before this court with the instant writ petition.

2. Heard both sides and also perused the records carefully.

3. Considering the fact that a complaint has already been filed by the petitioners before the 1st respondent challenging the final list published by the 6th respondent - Election Officer declaring the name of the eligible candidates for contesting election and in the light of the order of this court dated 31.08.2018 made in W.P.No.11145 of 2018 etc batch [M.Sadhasivam v. The State Tamil Nadu Co-operative Societies and others], this court is inclined to direct the 1st respondent to consider the complaint filed by the petitioners and pass suitable orders on the same on merits and in accordance.

4. In the result, the writ petition is disposed of and the 1st respondent is directed to consider the complaint made by the petitioners and pass suitable orders on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected WMPs are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

To

1. The Secretary to Government, Co-operative, Food and Consumer Protection Department, Fort St. George, Chennai -9
2. The Tamilnadu Co-operative Societies Election Commissioner Tamilnadu Co-operative Societies, Election Commission, Kamadenu Co-op. Super Market Building, 273, Scheme Road, Subbarayan Nagar, Teynampet, Chennai -18.

3.The Registrar of Co-operative Societies (Housing)
No.22, 4th Main Road, Gandhi Nagar,
Adayar, Chennai -22

4. The Deputy Registrar of Co-operative Societies (Housing)
Chennai Region/ District Election Officer for Co-operative
Housing Societies, Ramanathan Street, T.Nagar,
Chennai -17

5.The Returning Officer for Pallavan Transport Corporation
Employees Co-operative Housing Society Ltd., MDS/HSG/101,
Pallavan Illam, Pallavan Salai, Chennai -2

+1cc to Mr.V.Ajay Khose, Advocate SR.NO.56707

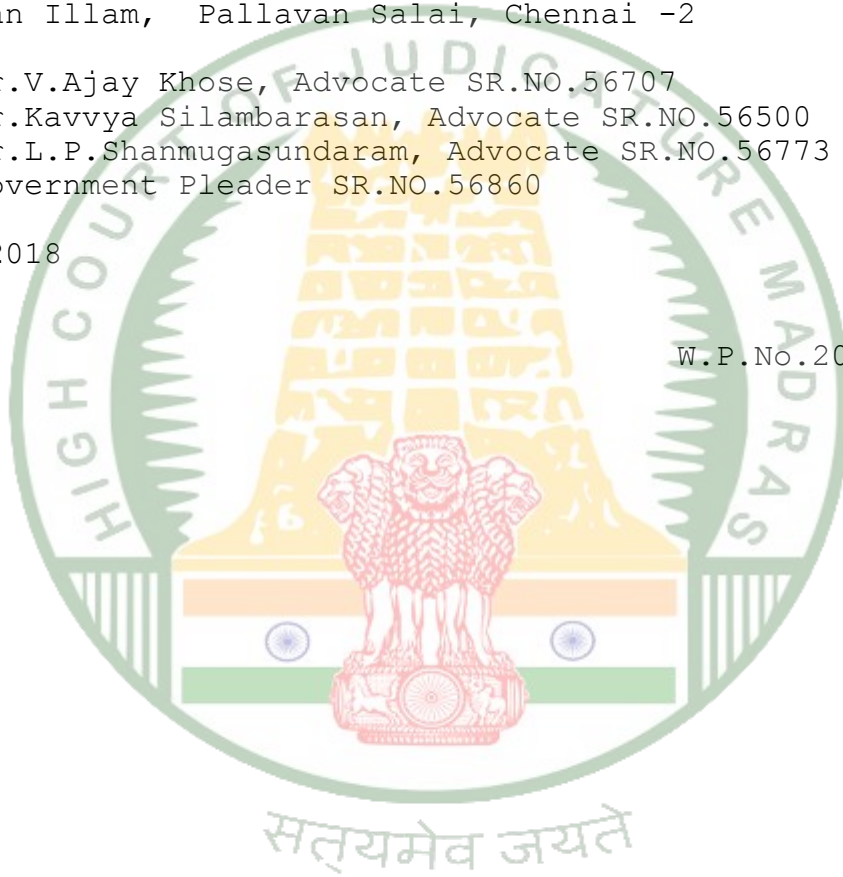
+1cc to Mr.Kavvya Silambarasan, Advocate SR.NO.56500

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.NO.56773

+1cc to Government Pleader SR.NO.56860

sm:17.10.2018

W.P.No.20984 of 2018



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