

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16..08..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.20988 of 2018

and

W.M.P.No.24634 of 2018

K.Punniyakotti

... Petitioner

-Versus-

- 1.The State Election Commissioner,
Cooperative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road,
Subburaya Nagar,
Teynampet,
Anna Salai, Chennai 600018.
- 2.The State Election Commissioner /
Registrar of Cooperative Societies (Housing),
No.48, Ritherdon Salai,
Veppery, Chennai 600007.
- 3.The District Election Officer /
Deputy Registrar of Cooperative Housing,
No.18, Ramanathan Street,
Chennai 600017.
- 4.The Election Officer,
VSNL Employees Cooperative Housing Society Ltd.,
No.4, Swamy Sivananda Salai,
Chennai 600002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to refer the objection of the petitioner dated 29.04.2018 to the Committee Constituted by this Court by judgement dated 03.08.2018 made in W.P.No.7526 of 2018 etc., batch.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.M.S.Palanisamy, Standing
Counsel for R1
Mr.L.P.Shanmugasundaram,
Spl. Government Pleader for
R2 to R4

ORDER

This writ petition has been filed seeking a direction to the respondents herein to refer the objection made by the petitioner in writing on 29.04.2018 to the Committee constituted by a Division Bench of this Court by its judgement dated 03.08.2018 in a batch of writ petition in W.P.No.7526 of 2018 etc.

2. According to the petitioner, names of some ineligible persons have been included in the voters' list of the 4th respondent society. The grievance of the petitioner is that though he made an objection in this regard to the respondents 2 and 3 on 29.04.2018, without considering his objection, now the respondents are proceeding with the election process. Further, according to the petitioner, besides his objections, there were number of such objections sent by the members of the society.

3. The learned Special Government Pleader appearing for the respondents 2 to 4 would submit that earlier when draft electoral list was published by the 4th respondent, the petitioner did not raise any objection. Subsequently, the petitioner is said to have sent a representation to the respondents 2 and 3 on 29.04.2018 alleging some irregularities in the preparation of voters' list for the election to the society. He further submitted that as per the order passed by the 1st respondent, now election is being conducted today to the 4th respondent. Therefore, according to the learned Special Government Pleader, it is not now open to the petitioner to seek for a direction to refer his complaint / objection to the Committee.

4. I have considered the rival submissions carefully.

5. Earlier, while disposing of a batch of Writ Petitions, which were filed challenging the elections to various cooperative societies, a Division Bench of this Court, by judgement dated 03.08.2018 [W.P.No.7526 of 2018 etcetera batch - R.Sakkarapani, Member of Legislative Assembly, Oddanchathiram Constituency v. State of Tamil Nadu and others], has constituted four Zonal Committees Chaired by Retired Judges of this High Court to decide the complaints regarding voters' list and other

election process which were filed prior to the holding of elections. In para 142 of the judgement, the Division Bench has held as follows:-

"142. The Committees will look into the complaints of wrongful inclusions and omissions in the voters' list, if such disputes have been raised prior to the holding of elections, but, not decided and/or wrongfully decided by the Election Officer concerned. Finding of wrongful omission from or inclusion in the voters' list if not material will not affect the election. To cite an example, if one candidate has been excluded, but, successful candidates have won with margin exceeding one, the election will not be affected."

6. In the instant case, admittedly, the petitioner made his objection alleging wrongful inclusions in the voters' list much prior to the election. Therefore, in the light of the judgement of the Division Bench of this Court, the respondent 2 and 3 are directed to refer the objection of the petitioner dated 29.04.2018 to the Committee concerned as directed by the Division Bench of this Court (cited supra) for appropriate action.

7. In the result, this writ petition is disposed of with the above directions. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

kmk

WEB COPY

To

1.The State Election Commissioner, Cooperative Election,
Kamadhenu Super Market Building, No.273, Scheme Road,
Subburaya Nagar, Teynampet, Anna Salai, Chennai 600018.

2.The State Election Commissioner / Registrar of Cooperative Societies (Housing), 48, Ritherdon Salai, Veppery, Chennai 600007.

3.The District Election Officer / Deputy Registrar of Cooperative Housing, No.18, Ramanathan Street, Chennai 600017.

4.The Election Officer, VSNL Employees Cooperative Housing Society Ltd., No.4, Swamy Sivananda Salai, Chennai 600002.

+1cc to Mr.C.Prakasam, Advocate SR.NO.57095

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.NO.56772

NM(CO)
sm:4.9.2018

W.P.No.20988 of 2018



WEB COPY