

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 21131 of 2018

&

W.M.P.s. 24708 of 2018

S.Palanichamy

... Petitioner

Vs

1. The Co-operative Societies,
Election Commissioner,
Tamil Nadu Co-operative
Societies Election Commission,
No.273, Kamadhenu Supermarket,
I Floor, Anna Salai, Chennai-18.

2. The Deputy Registrar of
Co-operative Societies/
District Election Officer,
Tirunelveli.

3. The Election Officer,
O.1976, Kidarakullam
Thokakka Vellaanmai
Kooturavu Kadan Sangam,
Kidarakullam Co-operative
Society, Tirunelveli Dt.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to conduct re-polling in respect of the Election for the post of 11 Directors to the Board of the Society viz., O.1976, Kidarikulam Thodamma Vellaanmai Kooturavu Kadan Sangam, Kidarakullam Co-operative Society, Tirunelveli District, Tamil Nadu in a fair and democratic manner within a stipulated time to be fixed.

For Petitioner : M/s.M.Jaikumar

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

The present Writ Petition has been filed seeking a direction to the 2nd respondent society to conduct re-polling in respect of the 3rd respondent co-operative society.

2. According to the petitioner, the election to the 3rd respondent Co-operative Society was conducted on 24.04.2018 for the Board of Directors, in which 34 candidates have contested and out of 3031 total number of voters, 1504 voters were polled. But, while counting, it was found that there were totally 1553 votes in the ballot box. In such circumstances, the present writ petition has been filed alleging that some malpractice has been conducted in the polling and sought for re-election to the 3rd respondent co-operative society.

3. Heard Mr.M.Jaikumar, learned counsel appearing for the petitioner and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, appearing for the respondents.

4. Mr.L.P.Shanmugasundaram, the Special Government Pleader, appearing for the respondents, on instructions, submitted that at the time of counting, there was some problem created by the parties. Hence, counting was stopped by the Election Officer and so far, no re-counting has taken place.

5. Considering the fact that already counting has been stopped and the petitioner is alleging that some extra votes have been polled, the 2nd respondent Deputy Registrar of Co-operative Society, Tirunelveli is directed to supervise the counting of votes polled in the election conducted by the 3rd respondent society and complete the same within a period of two weeks from the date of receipt of the copy of this order. If the 2nd respondent Deputy Registrar apprehend any law and order problem, he is at liberty to seek police protection to that effect.

6. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mrp/rpp

To

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Kidarakullam Co-operative
Society, Tirunelveli Dt.

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No.56780

+2cc to Mr.M.JAIKUMAR, Advocate, S.R.No. 56275

+1cc to the Government Pleader, S.R.No. 56857

W.P.21131 of 2018

and

W.M.P. 24708 of 2018

TR(20/08/2018)

सत्यमेव जयते

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