

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.7849 of 2018

R.M.Kandasamy

... Petitioner

.. Vs ..

1. The State Election Commissioner
Co-operative Elections,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Teynampet, Anna Salai,
Chennai-18.
2. The District Election Officer/
Deputy Registrar of Co-op. Societies,
Dharampuram Circle, Dharapuram,
Tiruppur District.
3. The Election Officer / Superintendent,
TP.SPL.29, Sivanmalai Primary Agricultural
Co-operative Credit Society,
Sivanmalai, Kangayam Taluk,
Tiruppur District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to conduct the election for the TP.SPL.29, Sivanmalai Primary Agricultural Co-operative Credit Society, Sivanmalai, Kangayam Taluk, Tiruppur District by providing police protection and under the supervision of the higher officials of the Revenue Department by taking Video Coverage for the dates from the date of nomination to counting date i.e., from 09.04.2018 to 17.04.2018.

For Petitioner : Mr.C.Prakasam
For R-1 : Mr.M.S.Palanisamy,
Standing Counsel
For RR-2 & 3 : Mr.P.H.Aravindh Pandian,
Additional Advocate General
Assisted by Mr.L.P.Shanmugasundaram
Special Government Pleader
- - - - -

ORDER

The present writ petition has been filed praying for issuance of a writ of mandamus directing the respondents to conduct election for the TP.SPL.29, Sivanmalai Primary Agricultural Co-operative Credit Society, Sivanmalai, Kangayam Taluk, Tiruppur District by providing police protection and under the supervision of the higher officials of the Revenue Department by taking Video Coverage for the dates from the date of nomination to counting date i.e., from 09.04.2018 to 17.04.2018.

2. Learned counsel appearing for the petitioner submits that the petitioner is a member in TP.SPL.29, Sivanmalai Primary Agricultural Co-operative Credit Society, Sivanmalai, Kangayam Taluk, Tiruppur District. In view of issuance of Notification for conducting election for the above said Co-operative Society, fixing the nomination date on 09.04.2018, scrutiny date on 10.04.2018, publication of the eligible candidates list on 10.04.2018, withdrawal of nomination on 11.04.2018, publication of final list candidates on 11.04.2018, election polling date on 16.04.2018 and counting date on 17.04.2018, the petitioner and other candidates are going to file their nomination before the respondents on 09.04.2018. In the meanwhile, on 31.03.2018, the petitioner and other candidates approached the respondents and submitted written representation to conduct the election as per the procedures laid down under Section 52 of the Tamil Nadu Co-operative Societies Act by providing necessary police protection. But no action has been taken. Therefore, they are advised to approach this Court and the above petition has been filed by the petitioner for the aforesaid prayer. Learned counsel appearing for the petitioner further submitted that if a direction is given to the respondents to give police protection, there will be a free and fair election conducted. In addition thereto, a further direction also should be given to take video coverage of the entire incident that is going to take place from the date of nomination till the date of declaration of results.

3. Opposing the above said prayer, Mr.P.H.Aravindh Pandian, learned Additional Advocate General Assisted by Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for respondents 2 and 3 submitted that the request of the petitioner to give police protection is unacceptable, as there is no situation that is going to crop up and in the past also, there was no such incident that had taken place and the petitioner, entertaining some apprehension, has wrongly approached this Court. Therefore, there is no necessity arisen for passing any order for providing police protection. Moreover, the petitioner has also not placed on record any document to show that he deserves police protection from this Court.

4. Mr.M.S.Palanisamy, learned Standing Counsel appearing for the first respondent submitted that the first respondent has already issued D.O.Letter No.232/2018/Ku.Election 2(3) dated 01.03.2018 to all the Superintendent of Police, District Collectors, Commissioner of Police and Election Officers to provide police protection, if necessary. Therefore, the apprehension of the petitioner is wholly unwarranted.

5. Again, the learned counsel appearing for the petitioner submitted that at the costs of the petitioner, he may be permitted to take video coverage of the important incidents, if the said Society is not able to meet out the expenditure.

6. Since the first respondent had already issued a direction in their letter dated 01.03.2018 addressing to all the Superintendent of Police, District Collectors, Commissioner of Police and Election Officers, this Court opined that they would be acting on the letter dated 01.03.2018 depending upon the situation, and this Court directs the third respondent to allow the petitioner to take video coverage of the incident from the date of filing of the nomination papers till the date of declaration of results at the costs of the petitioner.

7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jrl

To

1. The State Election Commissioner
Co-operative Elections,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Teynampet, Anna Salai,
Chennai-18.

2. The District Election Officer/
Deputy Registrar of Co-op. Societies,
Dharampuram Circle, Dharapuram,
Tiruppur District.

3. The Election Officer / Superintendent,
TP.SPL.29, Sivanmalai Primary Agricultural
Co-operative Credit Society,
Sivanmalai, Kangayam Taluk,
Tiruppur District.

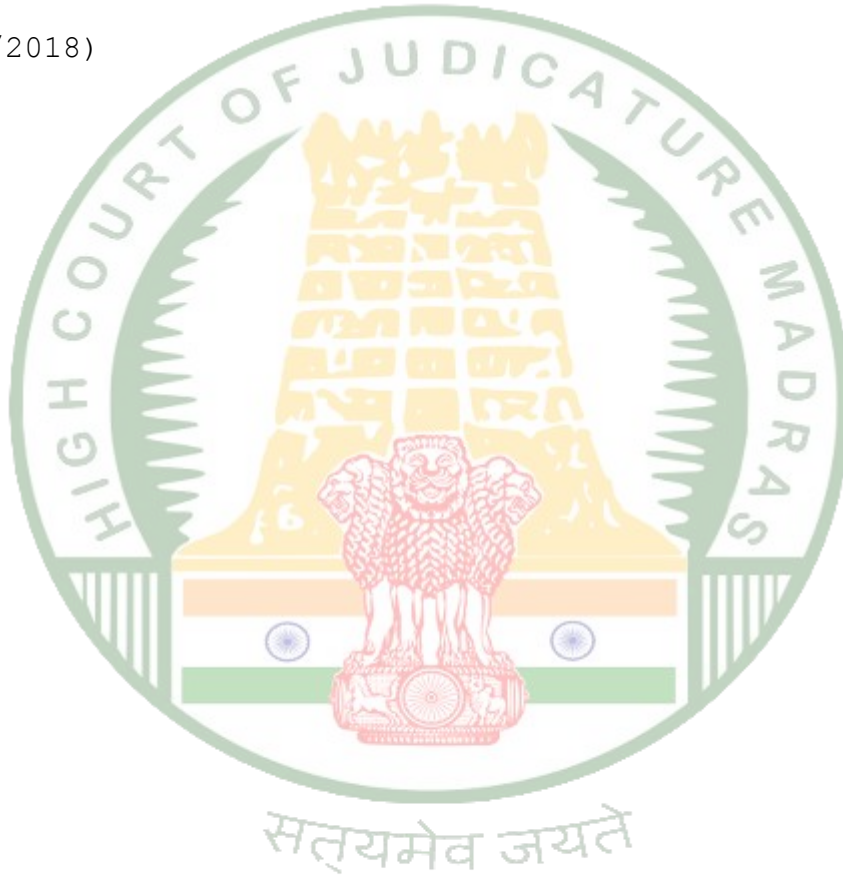
+1cc to Mr.L.P.Sshanmugasundarm, Advocate, S.R.No.26410

+1cc to Mr.C.Prakasam, Advocate, S.R.No.25802

W.P.No.7849 of 2018

RJI (CO)

RRK(17/04/2018)



WEB COPY