

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 21260 of 2018

K.Balasubramaniam

... Petitioner

Vs

1. The State Election Commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya
Nagar, Teynampet,
Anna Salai, Chennai-600 018.
2. The District Election Officer/Assistant
Director of Handloom and Textiles,
Collectorate,
Tiruppur.
3. The Election Officer,
Kanakampalayam SRC Cotton cum Silk
Weavers Co-operative P & S
Society Ltd., K.1178,
No.2/167, P.N.R.Complex,
Near Bus Stop, Kanakampalayam Post,
Perumanallur, Tiruppur Dt.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to refer the petitioner's objection dated 24.04.2018 to the Committee constituted by this Hon'ble Court.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.M.S.Palanisamy,
Standing Counsel for R-1

: Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R-2 & R-3

O R D E R

1. The Writ Petition has been filed seeking for a direction to the respondents referring the petitioner's objection dated 24.04.2018 to the Committee constituted by this Court to look into various allegations regarding the election to the Co-operative society.

2. According to the petitioner, he is a member of the 3rd respondent co-operative society and the elections were scheduled to be held to the society in the month of April 2018, and as many as 30 members including the petitioner have filed their nominations before the 3rd respondent. Subsequently, by virtue of the order passed by the Madurai Bench of this Court, the election process was not proceeded further. Despite that, on 23.04.2018, the 3rd respondent affixed the final list of candidates containing only 7 names without passing any orders on the other nominations.

3. In the said circumstances, the petitioner said to have made representation to the 2nd respondent on 24.04.2018 regarding the rejection of 27 nominations. But, so far, no order has been passed. According to the petitioner, in the meantime, the Division Bench of this Court had constituted four Zonal Committees headed by a retired Judge of this Court to look into the complaints regarding the elections, which has been filed before 03.08.2018. Since the petitioner has filed his objection as early as on 24.04.2018, the complaint should necessarily be referred to the Committee. Hence, the present Writ Petition has been filed.

4. I have heard Mr.C.Prakasam, learned counsel appearing for the petitioner as well as Mr.M.S.Palaniswamy, learned standing counsel for 1st respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for 2nd and 3rd respondents.

5. Earlier, notice was ordered to the respondents and today, when the matter taken up for hearing, Mr.L.P.Shanmugasundaram, learned counsel appearing for the 2nd respondent submitted that the 2nd respondent has received the objection filed by the petitioner and others dated 24.04.2018.

6. In the said circumstances, the petitioner had filed his objections much earlier to the cut off date fixed by the Division Bench of this Court, the 2nd respondent is hereby directed to refer the complaint to the Zonal Committee constituted by the Division Bench of this Court for consideration of the petitioner's grievance.

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

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The State Election Commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya
Nagar, Teynampet,
Anna Salai, Chennai-600 018.
2. The District Election Officer/Assistant
Director of Handloom and Textiles,
Collectorate, Tiruppur.
3. The Election Officer,
Kanakampalayam SRC Cotton cum Silk
Weavers Co-operative P & S
Society Ltd., K.1178,
No.2/167, P.N.R.Complex,
Near Bus Stop, Kanakampalayam Post,
Perumanallur, Tiruppur Dt.

+1cc to Mr.L.P.Shanmusundaram, Advocate, S.R.No. 58602
+1cc to Mr.C.Prabhakaran, Advocate, S.R.No. 58899
+1cc to the Government Pleader, S.R.No. 58846

WEB COPY

W.P. 21260 of 2018

GN(19/09/2018)