

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.11023 of 2018 and
W.M.P. Nos.12930 and 12931 of 2018

Manimaran

Petitioner

-vs-

1.The Election Commission,
Tamil Nadu Co-operative Societies,
No.273, Anna Salai,
Teynamepet, Chennai-18.

2.The District Election Officer/
Deputy Registrar of Co-operative Societies,
Mayiladuthurai Circle,
Nagapattinam District.

3.The Election Officer,
ZB68, Kathiruppu Primary Agricultural
Co-operative Credit Society,
Kathiruppu, Sirkali Taluka,
Nagapattinam District.

4.ZB68, Kathiruppu Primary Agricultural
Co-operative Credit Society,
rep. by its Secretary,
Kathiruppu, Sirkali Taluka,
Nagapattinam District.

5.P.Sulochana

6.P.Suseela

7.M.Vanaja

8.V.Sankaran

9.C.Thambusami

10.S.Prakash

11.A.Shanmugasundaram

12.R.Rajendran

13.V.Mani

14.T.Vishwanathan

15.R.Ravi

respondents 5 to 15 having office at
ZB68, Kathiruppu Primary Agricultural
Co-operative Credit Society,
Kathiruppu, Sirkali Taluk,
Nagapattinam District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the third respondent in their declaration of result dated 02.04.2018 published under Rule 52(9)(a) of the Tamil Nadu Co-operative Societies Rules, 1988 and quash the same as illegal and to further direct the respondents to conduct election to the fourth respondent society in a fair and transparent manner as per Section 52(6) of Tamil Nadu Co-operative Societies Rules, 1988.

For Petitioner : Mr.M.R.Kuyilan

For Respondents: Mr.M.S.Palanisamy,
Standing Counsel for R1

Mr.L.P.Shanmuga Sundaram,
Special Government Pleader for R2 to R4

ORDER

This writ petition has been filed seeking declaration of result dated 02.04.2018 published under Rule 52(9)(a) of the Tamil Nadu

Co-operative Societies Rules, 1988 and a direction to the respondents to conduct election to the fourth respondent society in a fair and transparent manner as per Section 52(6) of Tamil Nadu Co-operative Societies Rules, 1988.

2.The petitioner has mistakenly come to this Court instead of approaching the Election Tribunal under Section 90 of the Tamil Nadu Co-operative Societies Act seeking the above prayer.

3.When the election took place in the fourth respondent Co-operative Society for the post of Directors and the third respondent has also declared some of the members as directors on 02.04.2018, the petitioner cannot come to this Court by way of filing this petition. Therefore, this Court is not inclined to entertain this petition and the same is dismissed granting liberty to the petitioner to move a petition before the Election Tribunal if he desires. No costs. Consequently, connected W.M.Ps are also dismissed.

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T.RAJA, J.

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To

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