

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 21466 to 21469 of 2018
and
W.M.P.No. 25216 to 25223 of 2018

M.Paramasivam Petitioner in W.P.21466/2018
V.Prakasam Petitioner in W.P.21467/2018
T.M.Kandasamy Petitioner in W.P.21468/2018
R.Sanmugam Petitioner in W.P.21469/2018

Vs

1.Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai,
Chennai-600 018

2.District Election Officer
Deputy Registrar, (Co-operative Societies),
Attur, Salem District.

3.Election Officer,
S1357, Sathapadi Primary Agricultural
Co-operative Credit Society,
Sathapadi Post,
Attur Taluk, Salem District

... Respondents in W.P.21466/2018

1.Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai,
Chennai-600 018

2.District Election Officer
Deputy Registrar, (Milk),
Salem

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3.Election Officer,
ED 176, Sathapadi Milk Producers
Co-operative society
Sathapadi Post,
Attur Taluk, Salem District.

... Respondents in W.P.21467/2018

1.Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai,
Chennai-600 018

2.District Election Officer
Deputy Registrar, (Co-operative Societies),
Attur, Salem District,

3.Election Officer,
S6608, Narasingapuram Primary
Agricultural Co-operative Credit Society,
Thennangudipalayam Village,
Attur Taluk, Salem District.

... Respondents in W.P.21468/2018

1.Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai,
Chennai-600 018

2.District Election Officer
Deputy Registrar, (Co-operative Societies),
Attur, Salem District,

3.Election Officer,
S1213, Selliyampalayam Primary
Agricultural Co-operative Credit Society,
Selliyampalayam Village,
Attur Taluk, Salem District.

... Respondents in W.P.21469/2018

PRAYER in all W.Ps. : Petition filed under Article 226 of the
Constitution of India, praying to issue Writ of Certiorarified

Mandamus to call for the records pertaining to the impugned list of candidates published on 11.08.2018 by the third respondent and quash the same, consequently direct the third respondent to conduct election with the manner of free and fair in accordance with Tamil Nadu Co-operative Societies Act, 1983.

For Petitioner in all W.Ps : Mr. P. Ganesan

For Respondents in all W.Ps : Mr. M. S. Palanisamy,
Standing counsel,
for R1

: Mr. L. P. Shanmugasundaram,
Spl. G.P.,
for R 2 and R3

O R D E R

These writ petitions have been filed challenging the Form 20 issued by the Election Officer declaring the valid nominations.

2. According to the petitioners, even though they have filed nominations, without passing any order on their nominations, final list has been published by the third respondent stating that only 11 persons were eligible for the election. Hence, the present writ petition has been filed.

3. Today, when the matter is taken for hearing, the learned Special Government Pleader, appearing for the respondents 2 and 3 submitted that since only 11 eligible candidates were available, the election results were published on 11.08.2018 itself. Thereafter, election to the post of office bearers was held on 24.08.2018 and now the Board has also taken charge. The Division Bench of this Court has categorically held that after the election was declared the only remedy available to the petitioners is to challenge the election by filing a petition under Section 90 of the Tamil Nadu Co-Operative Societies Act.

4. I have heard the rival submissions and perused the materials available on records carefully.

5. Considering the fact that already election was over, the only remedy available to the petitioners is to challenge the election by filing a petition under Section 90 of the Tamil Nadu Co-Operative Societies Act, if they have any grievance over the same.

5. Considering the above facts and circumstances, these writ petitions are dismissed. However, it is always open to the petitioners to file appropriate petition under Section 90 of the Tamil Nadu Co-operative Societies Act challenging the election

raising all the grounds available to him. No costs.
Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

- 1.The Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai,
Chennai-600 018.
- 2.The District Election Officer
Deputy Registrar, (Co-operative Societies),
Attur, Salem District.
- 3.The Election Officer,
S1357, Sathapadi Primary Agricultural
Co-operative Credit Society,
Sathapadi Post,
Attur Taluk, Salem District
- 4.The District Election Officer
Deputy Registrar, (Milk),
Salem
- 5.The Election Officer,
ED 176, Sathapadi Milk Producers
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Agricultural Co-operative Credit Society,
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7. The Election Officer,
S1213, Selliyampalayam Primary
Agricultural Co-operative Credit Society,
Selliyampalayam Village,
Attur Taluk, Salem District.

+4cc to Mr.P.Ganesan, Advocate, S.R.No.60439 & 60710 60698 60699

+3cc to Mr.L.P.Shanmugasundaram, Advocate,
S.R.No.60435,60439,60441

+1cc to the Government Pleader, S.R.No.61267

W.P.No. 21466 to 21469 of 2018

VGII(CO)
GSP(05/10/2018)



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