

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2018

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.P.No.11479 of 2018 and W.P. (MD) Nos.10790 and 10817 of
2018
and
W.M.P. Nos.13405 and 13406 of 2018 and W.M.P. (MD) Nos.9898
and 9899 and 9931 to 9933 of 2018

W.P.No.11479 of 2018

1.D.Thulukkanam
2.N.Elumalai
3.J.Venkatesan
4.R.Bhoopathy
5.G.Rangan
6.M.Ezhumalai
7.Vijayalakshmi
8.S.Rani
9.A.Govindaraj
10.V.Krishnaveni
11.S.Raman

.. Petitioners

Vs

1.The Election Commissioner,
Co-operative Societies Election,
Registrar of Co-operative
Societies, Kamadenu Building,
Anna Salai, Teynampet, Chennai - 18.

2.District Election Officer,
Co-operative Societies Election,
Deputy Registrar of Co-operative
Societies, Kanchipuram High Road,
Chengalpattu Circle,
Chengalpattu TK.,
Kancheepuram District.

3.The Returning Officer,
G.1822, Periaputheri Primary

Agricultural Co-operative Society
Ltd., Periyaputheri,
Kanchipuram District.

4.The District Collector,
Kancheepuram,
Kancheepuram District.

.. Respondents

W.P.(MD) No.10790 of 2018

S.Maridurai

.. Petitioner

Vs

1.The Commissioner,
Election Commission for
Tamil Nadu Co-operative
Society, No.273, Anna Salai,
Teynampet, Chennai.

2.The Registrar of Co-operative
Society cum State Election
Officer, N.V.Natarajan Maaligai,
170, Periyar EVR High Road,
Kilpauk, Chennai.

3.The District Election Officer/
Deputy Registrar of Co-operative
Society, Seranmahadevi Zone,
Tirunelveli District.

4.The Election Officer,
G.1717 Chinnakovilankulam Primary
Agricultural Co-operative
Credit Society, Sankarankovil,
Tirunelveli District.

5.R.Seenivasan

.. Respondents

W.P.(MD) No.10817 of 2018

M.Ganapathy

.. Petitioner

Vs

1.The Commissioner,
Election Commission for
Tamil Nadu Co-operative
Society, No.273, Anna Salai,
Teynampet, Chennai.

- 2.The Registrar of Co-operative
Society cum State Election
Officer, N.V.Natarajan Maaligai,
170, Periyar EVR High Road,
Kilpauk, Chennai.
- 3.The District Election Officer/
Deputy Registrar of Co-operative
Society, Perumalpuram,
Palayamkottai, Tirunelveli District.
- 4.The Election Officer,
G.929 Sankarankovil Co-operative
Marketing Society,
Sankarankovil,
Tirunelveli District.

5.T.Sankarasubramanian ... Respondents

Prayer in W.P.No.11479 of 2018: Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus to conduct the election by appointing an authorized person in accordance with the provisions under Rules 52, 52-A and 53 of The Tamil Nadu Co-operative Societies Rules, 1988 without any deviation and by issuing a revised election schedule circular and adhering to it in a transparent manner.

Prayer in W.P.(MD) No.10790 of 2018: Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorari to call for the records of the impugned order passed by the first respondent in Na.Ka.3306/2018/Koo.The.2 dated 04.05.2018 and quash the same as illegal.

Prayer in W.P.(MD) No.10817 of 2018: Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the impugned order passed by the first respondent in Na.Ka.3306/2018/Koo.The.2 dated 04.05.2018 and quash the same and consequently direct the respondents 1 to 4 to conduct the election for 0.929 Sankarankovil Co-operative Marketing Society, Tirunelveli District on the basis of the valid nominations accepted by the fourth respondent.

For Petitioners

.. Mr.R.Rajendran
in W.P.No.11479 of 2018
Mr.R.J.Karthick
in W.P. (MD) Nos.10790 and
10817 of 2018

For Respondents

.. Mr.M.S.Palanisamy for R1
in W.P.No.11479 of 2018
for R1 in W.P.(MD) Nos.10790
and 10817 of 2018
Mr.L.P.Shanmughasundaram,
Spl. Govt. Pleader for R2 & R3
in W.P.No.11479 of 2018
for R2 to R4
in W.P.(MD) Nos.10790 and
10817 of 2018
Mr.R.Venkatesh,
Govt. Advocate for R4
in W.P.No.11479 of 2018
No appearance for R5
in W.P.(MD) Nos.10790 and
10817 of 2018

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

W.P.No.11479 of 2018 has been filed seeking a direction to conduct election for appointing an authorized person in accordance with the Rules. Challenging the order of the first respondent dated 04.05.2018, W.P. (MD) No.10790 of 2018 has been filed. W.P.(MD) No.10817 of 2018 has been filed, challenging the order of the first respondent dated 04.05.2018 and for a consequential direction to respondents 1 to 4 to conduct the election for 0.929 Sankarankovil Co-operative Marketing Society, Tirunelveli District on the basis of the valid nominations accepted by the fourth respondent.

2.Heard the learned counsel appearing for the parties in all the writ petitions.

3.Two submissions have been made by the learned counsel appearing for the petitioners. One is with respect to the competency of the person who conducted the election. The second is with respect to the improper rejection of the nomination of the petitioners. In the counter affidavit filed, it has been stated that the third respondent is the election officer and the person who has been nominated by the petitioners is only the electoral officer, whose duty is to prepare the list of voters.

4.We are not inclined to go in the second contention. On the first issue, we are satisfied that the third respondent is the election officer. The question with respect to acceptance or rejection of the nomination would touch upon the dispute pertaining to election which was in progress at the relevant point of time. Now, the entire process is over and the Board of Directors have been conducted including office bearers such as President, Vice President, Secretary etc., They are also not the parties before us. Therefore, we are not inclined to entertain the writ petitions.

5.In such view of the matter, these three writ petitions stand disposed of, giving liberty to the petitioners to raise a dispute under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 before the appropriate authority. As and when such a dispute is raised, the same shall be disposed of within a period of three months from the date of raising such dispute. All the issues are left open to be decided in the dispute to be raised by the petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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To

1.The Election Commissioner,
Co-operative Societies Election,
Registrar of Co-operative
Societies, Kamadenu Building,
Anna Salai, Teynampet, Chennai - 18.

2.The District Election Officer,
Co-operative Societies Election,
Deputy Registrar of Co-operative
Societies, Kanchipuram High Road,
Chengalpattu Circle,
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3.The Returning Officer,
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Agricultural Co-operative Society
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4.The District Collector,
Kancheepuram,
Kancheepuram District.

5.The Commissioner,
Election Commission for
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Society, No.273, Anna Salai,
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Society, Perumalpuram,
Palayamkottai, Tirunelveli District.

10.The Election Officer,
G.929 Sankarankovil Co-operative
Marketing Society,
Sankarankovil,
Tirunelveli District.

+1cc to Mr.R.Rajendran , Advocate SR.No. 76580

+1cc to Mr.L.P.Shanmughasundaram , Advocate SR.No.76913

+1 CC TO GOVERNMENT PLEADER SR.NO. 77041

W.P.No.11479 of 2018
and

W.P. (MD)Nos.10790 and 10817 of 2018

ASK(13/11/2018)