

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.11143 of 2018
and
W.MP.No.13074 of 2018

K.A.Raja

... Petitioner

Vs.

1. The Tamilnadu State Co-operative, Societies Election Commissioner, No.273, Kanmadhenu Super Market, Anna Salai, Chennai- 600 018.
2. The District Election Officer / Deputy Registrar, Co-operative Societies, Salem Region, Salem.
3. The Election Officer, S-167, Mallikuntham Primary Agricultural Registrar, Credit Society, (PACCS), Mallikuntham, Mettur Taluk, Salem District.
4. The Inspector of Police, Mecheri Police Station, Mecheri -636 453, Mettur Taluk, Salem District.

... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of declaration, declaring that the recommendation made by the 2nd respondent to cancel the entire election process of the S-167, Mallikuntham Primary Agricultural Co-operative Credit Society (PACCS), Mettur Taluk, Salem District, vide proceedings dated 14.08.2018 in Na.Ka.No.3281/2017 they pe (2) is illegal, arbitrary and against Democratic and constitutional rights of the petitioner, and consequently direct the respondents to conduct the cooperative election of the said society from where the election process was stopped and with adequate police protection from the 4th respondent and also videograph the entire election process at the cost of the petitioner.

(prayer amended as per Court order dated 29.08.2018 in W.M.P.No.25160/2018)

For Petitioner : Mr.M.R.Jothimani

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

: Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 to R4.

O R D E R

This writ petition has been filed challenging the order passed by the third respondent, Election Officer postponing the election to the Board of Directors of the third respondent society.

2. The grievance of the petitioner is that the petitioner has filed the nomination for the election to the post of Board of Directors and the same was scrutinized. At the time of publication of final eligible list, the election has been stopped without any reason whatsoever. In the said circumstances, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that after scrutinizing all the nominations and after publishing the final list of eligible candidates, suddenly without any reason, the Election Officer postponed the election. But, so far the respondents are not taking any action to conduct a fresh election.

4. Mr. M.S.Palanisamy, learned counsel appearing for the first respondent submitted that now the Election Commission has received a report from the District Election Officer stating that there was a likelihood of law and order problem, election has been postponed and the Election Commission will conduct enquiry and pass suitable orders.

5. Considering the fact that already enquiry is pending with the first respondent/Election Commission, the first respondent/Election Commission is directed to conduct enquiry and pass suitable orders within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Tamilnadu State Co-operative, Societies Election Commissioner, No.273, Kanmadhenu Super Market, Anna Salai, Chennai- 600 018.
2. The District Election Officer / Deputy Registrar, Co-operative Societies, Salem Region, Salem.
3. The Election Officer, S-167, Mallikuntham Primary Agricultural Registrar, Credit Society, (PACCS), Mallikuntham, Mettur Taluk, Salem District.
4. The Inspector of Police, Mecheri Police Station, Mecheri -636 453, Mettur Taluk, Salem District.

+lcc to Mr.M.R.Jothimani, Advocate, S.R.No.64874
+lcc to the Government Pleader, S.R.No.65497

सत्यमेव जयते

W.P.No.11143 of 2018

KAN(CO)
CS/30/10/2018

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