

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.08.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.21794 of 2018

K.Palanisamy

... Petitioner

Vs

1. The State Election commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar, Teynampet,
Anna Salai, Chennai-18
 2. The District Election Officer/
Deputy Registrar of co-operative Societies
Salem Circle, Salem, Salem District.
 3. The Election Officer,
S.1351 Periyagoundapuram Primary
Agricultural Co-operative Credit Society,
Periyagoundapuram Post-636 106,
Karipatti Via, Vazhapadi Taluk,
Salem District
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to conduct President and Vice-President election for the S.1351 Periyagoundapuram Primary Agricultural Cooperative Credit Society, Periyagoundapuram Post-636 106, Karipatti Via, Vazhapadi Taluk, Salem District within stipulated time with coverage of CCTV along with Police Protection.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.M.S.Palanisamy for R1
Standing counsel

Mr.L.P.Shanmugasundaram for
R2 and R3
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to conduct election for the post of President, Vice President to the third respondent society.

2. According the petitioner, the election to the Board of directors of the third respondent society was already over. Thereafter, the election to the Office Bearers was scheduled to be held on 13.04.2018 and it was postponed to 27.04.2018. But, on that date, election was not held. Subsequently, another date for election was fixed on 06.08.2018 and on that date also election was not held. Hence, the present Writ Petition has been filed.

3. The third respondent filed a counter affidavit stating that the election to the post of President and Vice-President was conducted on 27.04.2018. There were two contestants for the post of President by name, K.Sekar and K.Palanisamy, who is the petitioner herein, and there was only one person nominated for the post of Vice President. When the election was conducted on 27.04.2018, 10 Board of Directors were franchised their votes and one Director C.Rajakannu was absent on that date. But the counting was not conducted on that date due to some law and order problem.

4. Mr. L.P.Shanmugasundaram, learned counsel appearing for the respondents 2 and 3 would submit that on 27.04.2018, the election has been stopped due to some problem while counting the votes. Thereafter, the Deputy Registrar cum District Election Officer passed an order permitting the third respondent to proceed with the counting on 06.08.2018 and that was also postponed due to some law and order problem. Hence, the counting was not conducted. He would further submit that now, the third respondent is ready and willing to count the votes and publish the result. He has also produced the entire records before this Court.

5. I have carefully gone through the records and perused the entire materials available.

6. It is seen from the records that two persons have filed their nominations including the petitioner for the post of President and the election was also conducted on 27.04.2018, wherein, 10 Board of directors were casted their votes. Due to law and order problem, counting has not been proceeded further.

7. In the said circumstances, as the election has already been conducted, I am of the view that it is suffice to direct the third respondent to count the votes to the post of Office Bearers on 05.09.2018. If the third respondent apprehend any

law and order problem, on the date of counting, it is always open to him to approach the concerned police station for police protection and the third respondent is also directed to video graph the entire counting of votes. The petitioner and the other members are directed to be present while counting. After counting the votes, the third respondent is directed to communicate the result of the election to the first respondent as well as the second respondent.

8. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp/rst

To

- 1.The State Election commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya nagr, Teynampet,
Anna Salai, chennai-18
2. The District Election Officer/
Deputy Registrar of co-operative Societies
Salem Circle, Salem, Salem District.
3. The Election Officer,
S.1351 Periyagoundapuram Primary
Agricultural Co-operative Credit Society,
Periyagoundapuram Post-636 106,
Karipatti Via, Vazhapadi Taluk,
Salem District

+1cc to Mr.C.Prakasam, Advocate, S.R.No.59130.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.59185.

+1cc to the Government Pleader, High Court,Madras, S.R.No.59838.

W.P.No.21794 of 2018

BR(co)

rrs 06/09/2018