

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.4.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11378 of 2018 and W.M.P.No.13281 of 2018

Bhagialakshmi

... Petitioner

Vs.

1 The Election Commissioner,
Tamil Nadu Co-operative Societies,
Scheme Road, Teynampet,
Chennai 600 018.

2 The Registrar (Housing),
Housing Co-op. Society,
No.48, Ritherdon Road,
Vepery, Chennai 600 007.

3 The Deputy Registrar (Housing),
cum District Election Officer,
No.18, Ramanathan Street,
T.Nagar, Chennai 600 017.

4 The Election Officer,
XNC 494, Gandhi Nagar Co-operative
Housing Society Ltd.,
Adyar, Gandhi Nagar,
Chennai - 20.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring the entire election process conducted by the respondents in respect of the XNC 494, Gandhi Nagar Co-operative Housing Society Ltd., Adyar, Gandhi Nagar, Chennai 600 020 as null and void and ultra vires.

For Petitioner : Mr.S.Periyasamy
For Respondents 1 : Mr.M.S.Palanisamy
Standing counsel

For Respondent :
No. 2 to 4 : Mr.L.P.Shanmugasundaram
Spl.Govt. Pleader

O R D E R

Tmt.Bhagialakshmi, W/o Sureshkumar, claiming to be a member of 4th respondent society viz., XNC 494, Gandhi Nagar Co-operative Housing Society Ltd., Adyar, Gandhi Nagar, Chennai - 20 has come to this Court seeking a Writ of Declaration to declare that the entire election process conducted by the respondents in respect of the XNC 494, Gandhi Nagar Co-operative Housing Society Ltd., Adyar, Gandhi Nagar, Chennai 600 020 as null and void and ultra vires.

2 Mr.M.S.Palanisamy, learned Standing counsel for the first respondent and Mr.L.P.Shanmugasundaram, learned Special Govt. Pleader for the respondents 2 and 3 jointly submitted that the prayer in the writ petition can be sought for only before the Election Tribunal under Section 90 of the Tamilnadu Co-operative Societies Act since election to the Director of Co-operative Societies was over on 27.4.2018.

3 In view of the submission made by the learned Standing counsel and the learned Special Govt. Pleader appearing for the respondents, the petitioner is hereby directed to work out his remedy before the Election Tribunal under Section 90 of the said Act, within a period of 60 days from the date of declaration of results.

4 The writ petition is dismissed giving liberty to the petitioner to work out her remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

vaan

To

- 1 The Election Commissioner,
Tamil Nadu Co-operative Societies,
Scheme Road, Teynampet,
Chennai 600 018.

WEB COPY

2 The Registrar (Housing),
Housing Co-op. Society,
No.48, Ritherdon Road,
Vepery, Chennai 600 007.

3 The Deputy Registrar (Housing),
cum District Election Officer,
No.18, Ramanathan Street,
T.Nagar, Chennai 600 017.

4 The Election Officer,
XNC 494, Gandhi Nagar Co-operative
Housing Society Ltd.,
Adyar, Gandhi Nagar, Chennai - 20.

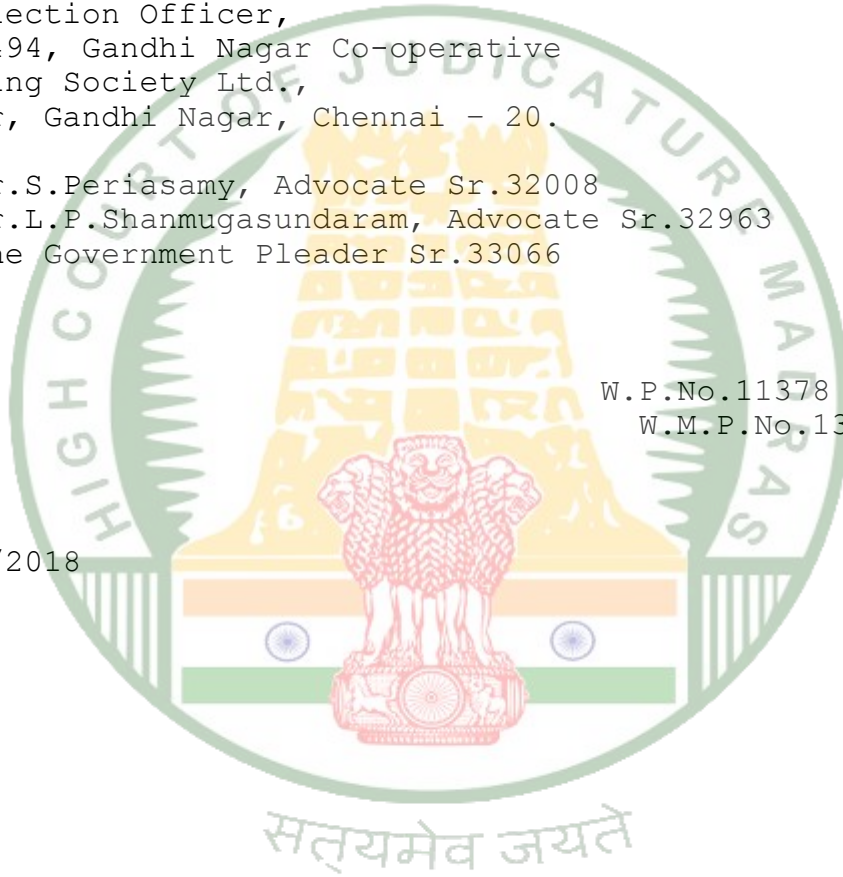
+1cc to Mr.S.Periasamy, Advocate Sr.32008

+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.32963

+1cc to the Government Pleader Sr.33066

W.P.No.11378 of 2018 and
W.M.P.No.13281 of 2018

vgi[col]
srg 05/06/2018



WEB COPY