

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11460 of 2018 and
W.M.P. No.13380 of 2018

V.Anand

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Petitioner

-vs-

1.The State of Tamil Nadu,
rep. by Secretary to Government,
Fort St. George, Chennai 600 009.

2.The Deputy Registrar,
Co-operative Societies,
Chennai 600 108.

3.The District Election Officer,
Tamil Nadu Co-operative Societies,
Chennai 600 108.

4.The Election Commissioner,
Tamil Nadu Co-operative Societies,
Chennai 600 108.

..

Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to defer the conduct of election to the Madras High Court Advocates Co-operative Society Limited (Canteen) Chennai.

For Petitioner

::

Mr.G.Mohanakrishnan for
Mr.C.Kubendrakumar

For Respondents :: Mr.L.P.Shanmuga Sundaram,
Special Government Pleader
for R1 to R3
Mr.M.S.Palanisamy,
Standing Counsel for R4

ORDER

The petitioner seeks a direction to the respondents to defer the conduct of election to the Madras High Court Advocates Co-operative Society Limited (Canteen) Chennai.

2.Learned counsel for the petitioner submitted that the State of Tamil Nadu Co-operative Society has issued an Election Notification dated 21.04.2018 for conducting election to the post of Board of Directors for X.146 Madras Advocates Co-operative Society Ltd. (Canteen) to be held on 07.05.2018. He would further submit that since summer vacation for the High Courts and other Subordinate Courts are going to commence from 01.05.2018 and they are going to resume their working schedule only from 04.06.2018, it would be difficult for the Advocates who have come from Tirunelveli, Kanyakumari, Namakkal, Salem, Krishnagiri, Madurai, Tiruchi etc. to take part in the election for casting their valuable votes since majority of the Advocates who are members of the Co-operative Society would be leaving for their native places. He would also submit that this is the first time the election is going to be held during the summer vacation and for the past 77 years, the election of the Co-operative Society has been conducted only during the working days. In this regard, a detailed representation has been given stating all the

inconveniences and difficulties going to be faced by the majority of the members of various Advocates Association. This has not been answered by the respondents. It is submitted by the learned counsel for the petitioner that till date the voters list also have not been finalised, therefore, a direction may be issued to consider the representation wherein the petitioner sought for conducting the election only during the working days of the High Court so that all the voters can participate in the election and the respondents also can conduct free and fair election.

3.Mr.M.S.Palanisamy, learned Standing Counsel for Election Commission, after taking notice, has reported before this Court that since the request made by the petitioner is being reasonable, they would consider the same and take a positive decision if the petitioner makes a fresh representation either today or Monday (30.04.2018) in the forenoon.

4.Considering the submission made by both learned counsel, the petitioner is directed to give a fresh representation either today or Monday (30.04.2018) in the forenoon to the respondents and on receipt of the same, the respondents are directed to consider the same and do the needful in accordance with law forthwith. Accordingly, this writ petition is disposed of. No costs. Consequently, connected W.M.P. is closed.



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T.RAJA, J.

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5.Learned Standing Counsel for Election Commission is directed to orally inform the operative portion of this order.

Speaking/Non speaking order
Index : yes/no
vga

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