

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 22200 of 2018

and

W.M.P.No. 26014 to 26016 of 2018

M.Sandiagu

... Petitioner

Vs

1. The Election Commission,  
Tamil Nadu State Co-operative Societies,  
rep. By its secretary,  
No.273, Kamadenu Super Market,  
I-Floor, Anna Salai,  
Chennai-600 018.
2. The Registrar of Co-operative Societies,  
Chetpet, Chennai- 600 010.
3. The District Election for Co-operative Elections,  
Sivagangai.
4. The Election Officer,  
Hanumanthagudi Primary Agricultural  
Co-operative Society,  
Hanumanthagudi  
Devakottai Taluk,  
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus to call for the records relating to the 1<sup>st</sup> Respondent's proceedings Na.Ka.3081/2018/Ku. The two dated 20-06-2018 and the Annexure-3 dated 11.08.2018 of the 4<sup>th</sup> respondent consisting of the accepted list of candidates quash the same and consequently direct the respondents to place all election nomination forms in respect on No.NN 597, Hanumanthagudi Primary Agricultural Co-operative Credit society at Hanumanthagudi, Devakkottsi taluk, sivagangai District before the Judges Committee as contemplated in the order dated 03-08-2018 of this Hon'ble Court in W.P.No.7526 of 2018.

For Petitioner :Mr.K.Sakthivel

For Respondents :Mr.L.P.Shanmugasundaram  
for R2 and R4  
Special Government Pleader

Mr.M.S.Palanisamy for R1 and R3  
Standing Counsel

O R D E R

This writ petition has been filed challenging the order passed by the first respondent dated 20.06.2018, thereby directing the Election Officer to proceed the election to the fourth respondent society from the stage it was stopped.

2. According to the petitioner, the election to the fourth respondent society earlier held on 09.04.2018 and 22 nominations were filed for 11 posts of Board of Directors. Subsequently, on the date of scrutiny, the Election Officer rejected 9 nominations without assigning any reason whatsoever, including that of the petitioner. Immediately, the petitioner and other eight persons have filed a complaint before the first respondent on 24.04.2018. Based on that, an enquiry was conducted by the first respondent and thereafter, the impugned order has been passed.

3. Mr.Sakthivel, learned counsel appearing for the petitioner would submit that petitioner's complaint was filed as early as on 24.04.2018. As per the order passed by the Division Bench of this Court in W.P.Nos.7526 of 2018, etc., batch, dated 03.08.2018, if any complaint is filed before the date of judgment, namely, 03.08.2018, it should necessarily be referred to the Zonal Committee and consequently, the impugned order passed by the first respondent should necessarily be set aside.

4. Mr.M.S.Palanisamy, learned counsel appearing for the first respondent would submit that already the petitioner's complaint has been considered. Only after considering the petitioner's complaint, the first respondent passed the impugned order, thereby canceling the election proceedings, subsequent to the scrutiny of nomination, and the order has been passed much earlier to the judgment passed by the Division Bench of this Court. Hence, there is no illegality on it.

5. I have considered the rival submissions made on both sides and perused the materials available on records.

6. Admittedly, the petitioner has filed a complaint as early as on 24.04.2018. As per the judgment passed by the

Division Bench of this Court, all the complaints, which are filed before 03.08.2018, should necessarily be referred to the Zonal Committee headed by the retired Judge of the High Court.

7. In the above circumstances, the petitioner's complaint also necessarily be referred by the first respondent to the Zonal Committee and hence, the first respondent is directed to refer the petitioner's complaint dated 24.04.2018 to the Zonal Committee and the Zonal Committee will pass necessary order .

8. With the above direction, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Deputy Registrar

// True Copy //

Sub Assistant Registrar

mrp/rst

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.59497

+1cc to Government Pleader SR.No.59819

W.P.No. 22200 of 2018  
and

W.M.P.No. 26014 to 26016 of 2018

RMP (25/09/2018)

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