

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 22382 of 2018
and
W.M.P.Nos. 26223 and 26224 of 2018

Mrs.S.Krishnaveni ... Petitioner

Vs

1.The Election Commissioner
Tamil Nadu State Co-operative societies
Election commission
No.273, Anna Salai, Teynampet
Chennai 600 018

2.The District Election Officer
Deputy Registrar of Co-operative societies
Coimbatore District

3.The Election Officer/Special officer
No.K-1563, Varadayampalayam Primary
Agricultural Co-operative Credit Society
Kattampatty Village Annur Taluk,
Coimbatore District. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, to call for the records in Election Notification dated 13.08.2018 in Sl.No.1 on the file of the Second Respondent Society in so far as the Third Respondent Society in concerned and quash the same and consequently direct the Third respondent to conduct election in accordance with law to the third respondent society after affording reasonable opportunity to the petitioner and other valid members.

For Petitioner :Mr.K.Magesh

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

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

O R D E R

This writ petition has been filed challenging the election to the third respondent society.

2. According to the petitioner, election to the for Board of members to the third respondent society has been conducted and the petitioner has also filed a nomination for Board of Directors, and after scrutiny of the nominations, the valid contesting candidates list was also published. At that stage, the impugned order has been passed by the second respondent cancelling the election to the third respondent society and ordering fresh election.

3. Earlier notice was ordered to the respondents. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents 2 and 3 submitted that after cancelling the earlier election, a fresh election was ordered by the second respondent from the beginning and the election schedule was also issued, which is now under challenge. But pursuant to the above notification, the petitioner has also participated in the election and also filed his nomination. While scrutinizing the nomination of the petitioner, it is found that the candidate's membership number has been wrongly given by the petitioner, apart from that, she has also mentioned that she is a delegates in the other society, hence, the order rejecting his application was passed by the Election Officer. The learned Special Government Pleader has also produced the original nomination filed by the petitioner, which contains the reason for his rejection.

4. In such circumstances, since the petitioner has also participated in the election and also filed his nomination, he cannot challenge the impugned order passed by the second respondent.

5. Now, it is submitted by the learned Special Government Pleader that now the election is over to the post of Board of Directors in the third respondent society and now the election is to be held to the post of President and Vice-President.

6. Considering the fact that already election is over, if the petitioner has any grievance, the only remedy available to the petitioner is to file a petition under Section 90 of the Co-operative Societies Act.

7. Hence, I find no merits in the writ petition and the Writ Petition is dismissed. However, if the petitioner has any grievance over her rejection of the nomination, it is always open to him to file a petition under Section 90 of the Co-Operative Societies Act. No costs. Consequently, connected miscellaneous petitions are closed.

03.09.2018

Index:Yes/No

Internet:Yes/no

Speaking Order/Non Speaking Order

mrp/rst

Note : Issue order copy on 07.09.2018.

To

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Election commission

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V.BHARATHIDASAN,J.

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