

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 22430 of 2018

and

W.M.P.No. 26286 and 26287 of 2018

S.Chinnasamy

... Petitioner

Vs

1. The Commissioner,
Tamilnadu State Co-operative
Societies Election Commission,
Chennai-18.
2. The Deputy Registrar of Co-op. Societies/
District Election Officer, Dharmapuri Circle,
Dharmapuri District.
3. S.Ravichandran,
Deputy Registrar of Co-op. Societies/
District Election Officer, Dharmapuri Circle,
Dharmapuri District.
4. The Election Officer,
K.K.122, Thipirettihally Primary
Agricultural Co-op. Credit Society,
Thipirettihally Post-635 301,
Dharmapuri taluk & District.

5.G.Raja

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in Na.Ka.6180/2018/Ku.the.1 dated 21.08.2018 and quash the same.

For Petitioner :Mr.T.Sundaravadanam

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

Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 to R4

O R D E R

This writ petition has been filed challenging the order passed by the first respondent postponing the election to the office bearers of the third respondent society.

2. According to the petitioner, earlier the election to the Board of directors to the third respondent society was conducted, in which, the petitioner and fifth respondent were also elected. Thereafter, election to the office bearers was held on 11.08.2018. The petitioner filed a nomination for the post of President and the 5th respondent has also filed his nomination, where as, the 5th respondent nomination has been rejected by the fourth respondent/ Election Officer on some valid reason. Against the rejection of his nomination, the fifth respondent said to have filed a complaint before the first respondent. Now based on the complaint given by the fifth respondent, the impugned order has been passed by the first respondent. Challenging the same, the present Writ Petition has been filed.

3. Earlier notice was ordered to the respondents. Today, when the matter is taken up for hearing, Mr.M.S.Palanisamy, Standing Counsel, appearing for the first respondent submitted that while scrutinizing the nomination, the fourth respondent/Election Officer did not follow the guidelines issued by the Election Commission and rejected the nomination of the fifth respondent and based on his complaint, the election is postponed. Now, the first respondent proposed to conduct the enquiry and pass further orders.

4. Considering the above circumstances, now the enquiry is pending with the first respondent, the first respondent is directed to conduct enquiry after giving opportunity to the petitioner as well as the fifth respondent and pass suitable orders on merits and in accordance with law within a period of two weeks from the date of receipt of the copy of the order.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

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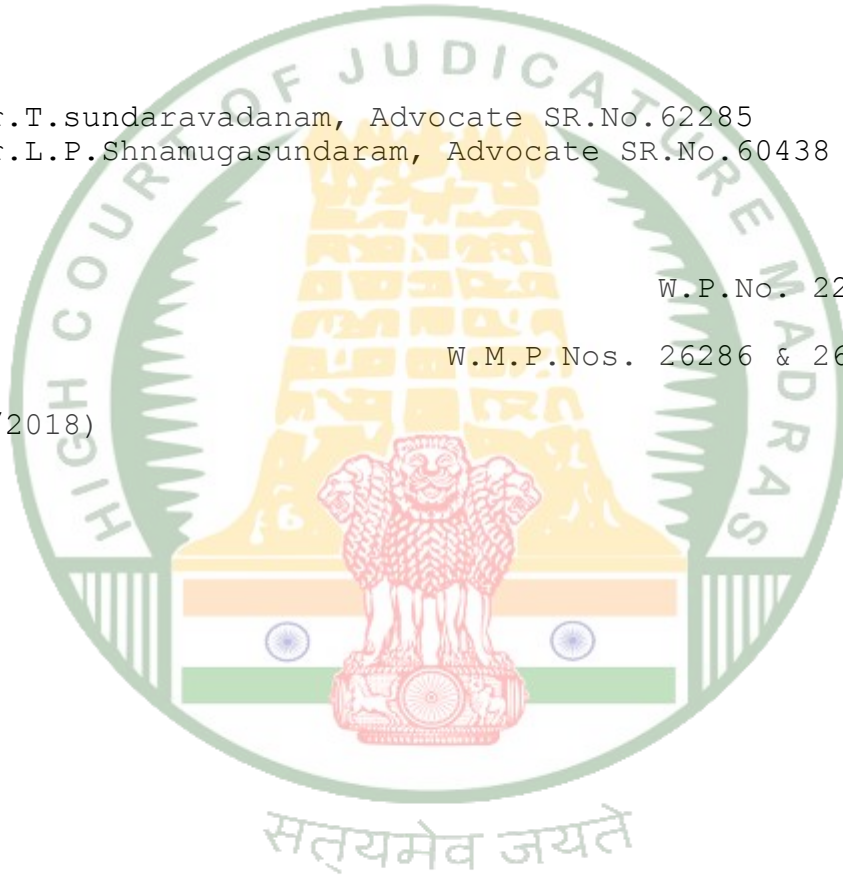
Sub Assistant Registrar

mrp/rst

+1cc to Mr.T.sundaravadanam, Advocate SR.No.62285
+1cc to Mr.L.P.Shamugasundaram, Advocate SR.No.60438

W.P.No. 22430 of 2018
and
W.M.P.Nos. 26286 & 26287 of 2018

RMP (27/09/2018)



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