

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03..09..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.22474 of 2018
and

W.M.P.Nos.26339 and 26340 of 2018

C.Katturaja

... Petitioner

-Versus-

- 1.The Election Commissioner,
Tamil Nadu State cooperative Societies,
Scheme Road,
No.273 Anna Salai,
Teynampet, Chennai-600 018.
- 2.The Registrar of Cooperative Societies,
N.V.N.Somu Maligai,
Poonamallee High Road,
Kilpauk, Chennai-600 010.
- 3.The Joint Registrar of Coop. Societies,
Perambalur District,
Perambalur.
- 4.The Deputy Registrar of Coop. Societies/
District Election Officer,
Perambalur District,
Perambalur.
- 5.The Election Officer,
TY.SPL77. Bujangarayanallur Primary Agricultural
Coop. Credit Sciety,
Nochikulam, Alathur Taluk,
Perambalur District.
- 6.T.Annadurai
- 7.C.Karuppiah
- 8.T.Murugesan
- 9.V.Periyasamy
- 10.Ramamurthy
- 11.B.Selvakumar
- 12.R.Amudha
- 13.R.Saraswathi
- 14.K.Sudha
- 15.A.Karikalan

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 07.08.2018 passed by the 5th respondent relating to the of declaration of election of T.Y.SPL-77 Bujangarayanallur Primary Agricultural Cooperative Credit Society Nochikulam Alathur Taluk Perambalur District and to quash the same consequently direct the respondents to conduct the re-election based on the representation of the petitioner dated 12.08.2018.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.M.S.Palanisamy,
Standing Counsel for R1
Mr.L.P.Shanmugasundaram,
Spl. Govt. Pleader for R2
to R5

ORDER

This writ petition has been filed challenging the declaration of election published by the Election Officer dated 07.08.2018 declaring the names of duly elected Board of Directors of the 5th respondent society.

2. According to the petitioner, he was desirous of contesting the election to the Board of Directors of the 5th respondent society, but, the 5th respondent was not transparent in conducting the election. The grievance of the petitioner is that when he approached the 5th respondent Election Officer for issuance of nomination form, he was not furnished with the same and the established procedures were not followed in the election to the respondent society. The representation sent by him in this regard did not evoke any response. Hence, the petitioner is before this court challenging election of the respondents 6 to 16 on the ground that there were irregularities committed in the election and the entire election process is amount to abuse of process of law.

3. Heard both sides.

4. It is the settled law that once the election is over, the only remedy available to the aggrieved person is to file a petition under Section 90 of The Tamil Nadu Cooperative Societies Act. A Division Bench of this court in W.P.No.7526 of 2018 etcetera batch - R.Sakkarapani, Member of Legislative Assembly, Oddanchathiram Constituency v. State of Tamil Nadu and others has held so. In W.P.No.11145 of 2018 etc., batch -

M.Sadhasivam v. The State Tamil Nadu Co-operative Societies Election Commissioner, following the above said judgement of the Division Bench of this Court, I have held that in cases where the elections were already over and the results were declared before filing of objection / complaint by the petitioners, the only remedy available to the person affected is to file a petition under Section 90 of the Tamil Nadu Cooperative Societies Act, as directed by the Division Bench of this court.

5. In the light of the above legal position, this court is of the view that the writ petition is not maintainable and the same is liable to be dismissed. However, the petitioner is at liberty to file a petition under Section 90 of The Tamil Nadu Cooperative Societies Act before the appropriate forum.

6. In the result, the writ petition is dismissed with the above observation. Consequently, connected MPs are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Election Commissioner, Tamil Nadu State Coop Societies, Scheme Road, No.273 Anna Salai, Teynampet, Chennai-600 018.

2.The Registrar of Cooperative Societies, N.V.N.Somu Maligai, Poonamallee High Road, Kilpauk, Chennai-600 010.

3.The Joint Registrar of Coop. Societies, Perambalur District, Perambalur.

4.The Deputy Registrar of Coop. Societies/District Election Officer, Perambalur District, Perambalur.

5.The Election Officer, TY.SPL77. Bujangarayanallur Primary Agricultural Coop. Credit Society, Nochikulam, Alathur Taluk, Perambalur District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.60820

+1cc to Mr.L.P.Shanmugasundram, Advocate, S.R.No.61028

+1cc to the Government Pleader, S.R.No.60616

W.P.No.22474 of 2018

SVN(CO)

GSP(03/10/2018)