

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2018

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THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 22544 of 2018

and

W.M.P.s 26399 & 26400 of 2018

V.Venkatraman

... Petitioner

Vs

1. The Tamil Nadu State Co-operative Societies Election Commission, represented by its Commissioner, No.273, Kamadhenu Super Market, First Floor, Anna Salai, Chennai-600 018.
2. The Deputy Registrar of Co-operative Societies (Milk Diary)/District Election Officer, Thiruvannamalai Dt.
3. The Returning Officer, H.H.10 Sengam Milk Producers Co-operative Society, Sengam Taluk, Thiruvannamalai Dt. - 606 701.
4. The Secretary, H.H. 10 Sengam Milk Producers Co-operative Society, Corporation Employees Co-operative, Sengam Taluk, Tiruvannamalai Dt.-606 701.
5. R.Ramamoorthy
6. A.Sivagami
7. P.Kavitha
8. T.Rani
9. D.Sangeetha
10. V.Kumar
11. V.Venkatesan
12. R.Kaalidoss
13. Kumar

14. B.Saravanan
15. T.Kulasekari

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of CERTIORARIFIED MANDAMUS, calling for the records pertaining to the election notification issued by the 2nd respondent in Na.Ka.No.1770/2018/OU on 21.08.2018 in so far as the election to elect the members/office-bearers of the Board of Directors of the H.H.10 Sengam Milk Producers Co-operative Society, Thiruvannamalai and the list of final valid nominations published by the 3rd respondent on 27.08.2018 and quash the same as arbitrary and against the principle of natural justice and violative of Art.14 and 21 of Constitution of India and consequently, direct the respondents 1 to 4 to conduct a fair and free election for the H.H. 10 Sengam Milk Producers Co-operative Society afresh, within a specified time, by accepting the petitioner's nomination and allowing him to contest in the election and take appropriate action against the respondents 2 to 4 for having violated the rules and procedures and for having accepting the nominations of respondents 5 to 15 in illegal manner and for their illegal rejection of the petitioner's nominations.

For Petitioner : Mr.M.Sridhar

For Respondents : Mr.M.S.Palaniswamy
Standing Counsel for R-1

Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R-2 to R-4

O R D E R

This writ petition has been filed challenging the election schedule issued by the District Election Officer, the 2nd respondent and also the valid eligible candidates list was published by the 3rd respondent Returning Officer.

2. According to the petitioner, the election to the 4th respondent society was scheduled to be held earlier, which was subsequently cancelled and a fresh election schedule has been issued by the 2nd respondent. As per the fresh election schedule, the date of nomination was fixed on 25.08.2018 and the petitioner has filed his nomination. Subsequently, the scrutiny of nomination was posted on 27.08.2018 from 11.00 a.m. to 04.00 p.m. On that day, the petitioner was waiting in the premises of co-operative society, but the election officer did not turn up.

Thereafter, on the very same day, in the evening, the list has been published containing the eligible candidates. Subsequently, the final list was also issued on 28.08.2018, wherein the petitioner has found that his name is missing and contending that his nomination has been rejected by the Election Officer without any reason, he has made a representation to the 1st respondent, in turn, the 1st respondent also directed the District Election Officer to submit a report. But, so far, no order has been passed, hence, the present Writ Petition has been filed challenging the election.

3. Earlier, notice was issued to the respondents 1 to 4 and today, on instructions, Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents 2 to 4 submitted that the petitioner's nomination has been rejected on the ground that his name was not found place in the voters list. Hence, he is not eligible to contest in the election. However, the petitioner has already made his representation before the 1st respondent, in turn, the 1st respondent also directed the District Election Officer to submit the report. Now, the matter is pending with the 1st respondent.

4. In the said circumstances, without going into the merits of the case, the 1st respondent is directed to consider the representation of the petitioner and pass suitable orders on merits and in accordance with law within a period of six weeks from the date of receipt of the copy of this order.

5. With the above direction, the present Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
The Tamil Nadu State Co-operative
Societies Election Commission,
No.273, Kamadhenu Super Market,
First Floor, Anna Salai, Chennai-600 018.

2. The Deputy Registrar of Co-operative Societies (Milk Diary)/District Election Officer, Thiruvannamalai Dt.

3. The Returning Officer,
H.H.10 Sengam Milk Producers
Co-operative Society,
Sengam Taluk,
Thiruvannamalai Dt. - 606 701.

4. The Secretary,
H.H. 10 Sengam Milk Producers
Co-operative Society,
Corporation Employees Co-operative,
Sengam Taluk, Tiruvannamalai Dt.-606 701.

+1cc to Mr.Sridhar, Advocate Sr.61168

+1cc to M/S.L.P.Shanmugasundaram, Advocate Sr.61362

+1cc to the Government Pleader Sr.61726



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of 2018

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srg 4/10/2018

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