

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.05.2018

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THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

WP.No.11754 of 2018 and WMP.No.13727 of 2018

Bhuvaneswari

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Petitioner

Versus

1.The Commissioner, The Chief Election Officer  
for Co-Operatives,  
Teynampet, Chennai.

2.The Election Officer,  
CBD 702, Samarayapatti Women  
Milk Producers Co-operative Society,  
Madathukulam Taluk,  
Tiruppur District.

..

Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the 2<sup>nd</sup> respondent to cancel the Election process in view of the illegalities and irregularities committed by the 2<sup>nd</sup> respondent in not following the Election Schedule and norms and consequently direct the 2<sup>nd</sup> respondent to conduct the election for the Board of Directors of the 2<sup>nd</sup> respondent Society by Videographing with Police Protection.

For Petitioner : Mr.N.Umapathi

For Respondents: Mr.M.S.Palaniswamy for R1

Mr.L.P.Shanmugasundaram

Spl GP for R2

ORDER

The writ petitioner herein seeks indulgence of this Court to cancel the Election process notified on 12.03.2018 in respect of Samarayapatti Women Milk Producers Co-operative Society, Madathukulam Taluk, Tiruppur District.

2. According to the petitioner, on 09.04.2018, when the petitioner and other candidates attempted to file their nomination, members of the Rival Camp illegally entered the premises of the society and snatched away the application form and prevented them from submitting the nomination. However, the 2<sup>nd</sup> respondent had fixed 10.04.2018 as a date for scrutiny of the election nomination. But the nominations were not scrutinized by the second respondent and he did not respond to the queries raised by the petitioner and others regarding their nomination. Hence, he seeks the indulgence of this Court to issue writ of mandamus directing the second respondent to

cancel the election process in view of the irregularities and illegalities committed by the 2<sup>nd</sup> respondent and also to conduct an election by Videographing with Police Protection.

3. The learned Special Government Pleader representing the respondents would submit that the averments made in the petition are not factually correct. On 09.04.2018, the Division Bench of this Court stayed all further proceedings in the Cooperative Society Election in the State and ordered Status Quo. Therefore, the second respondent has stopped all further proceedings on receipt of the order copy and the said Status Quo order was later modified by the Hon'ble Supreme Court in SLP Nos.10051 to 10059 of 2018 on 20.04.2018. Thereafter, the first respondent has issued a fresh election notification on 23.04.2018 and completed the Election on 27.04.2018. In support of his submission, the photocopies of the notification is annexed are Annexures I, II and III.

4. In view of the above submission made by the learned Special Government Pleader that the election process is completed pursuant to the subsequent fresh notification, nothing survives in this writ petition in respect of the earlier notification dated 09.04.2018, which has been superseded by the subsequent notification dated 23.04.2018.

5. Hence, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar/Vacation  
Officer

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,The Chief Election Officer  
for Co-operatives

Teynampet, Chennai.

2.The Election Officer,  
CBD 702, Samarayapatti Women  
Milk Producers Co-operative Society,  
Madathukulam Taluk,  
Tiruppur District.

+1cc to M/s.L.P.Shanmugasundaram, Advocate Sr.No.33146

+1cc to M/s.N.Umapathi, Advocate Sr.No.32988

PPA (CO)

sm:11.5.2018

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