

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 03.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P.No. 22609 of 2018
and
W.M.P.No. 26460 of 2018

P.P.Periyasamy

... Petitioner

Vs

- 1.Government of Tamil Nadu
Rep. by the Principal Secretary to Government
Co-operation Food and Consumer Protection
Department, Secretariat,
Chennai-9
- 2.Tamil Nadu State Co-operative
Societies Election commission rep by
The commissioner,
No.273, Kamadhenu Supermarket
1st Floor, Anna Salai
Chennai-18
- 3.The Joint Registrar of Co-operative Societies,
Co-operative Department,
Dharmapuri District.
- 4.The District Election Officer,
Co-operative Department,
Dharmapuri District.
- 5.The Secretary,
S.542, Selliampatti Primary Agriculatural
Co-operative Credit Society Ltd.
Pulikarai, Palacode Taluk,
Dharmapuri District
- 6.Murugammal
- 7.Maari
- 8.Sugunavathy
- 9.Murugan
- 10.Nagarajan
- 11.Senthilkumar
- 12.Perumal
- 13.M.P.Subramaniam

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14.Kumaresan

15.Sithan

16.Saravanan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Declaration, to declare the selection of members to the fifth respondent society in an election conducted by the fourth respondent on 01.09.2018 as null and void, unconstitutional, illegal and non est. in law and further direct the respondents 1 to 4 to conduct the fresh election to the fifth respondent society by strictly following the Tamil Nadu Co-operative Societies Rules, 1988.

For Petitioner :Mr. V.Sakkarapani

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

Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 to R5

ORDER

This writ petition has been filed challenging the election of the members of Board of Directors of the fifth respondent society.

2. According to the petitioner, in the election for the Board of Directors of the fifth respondent society, the petitioner has filed his nomination. Totally 99 nominations have been filed. On the date of scrutiny, the Election Officer said to have declared only 15 nominations were valid and no order has been passed for rejecting the other nominations, including the petitioner. Hence, the present Writ Petition has been filed.

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 to 5 submitted that at the time of scrutiny of nomination the petitioner's nomination has been rejected by the Election Officer on the ground that the signature in the proposal of the petitioner's nomination has been differs from the signature found in the Society Register. Thereafter, now, election to the post of Office Bearers is also over and the Board has also taken charge. He has also produced the copy of the petitioner nomination.

4. I have heard the rival submissions and perused the materials available on record carefully.

5. It is settled law that the election to the co-operative societies cannot be challenged by filing writ petition. A Division Bench of this Court categorically held that the only remedy available to the petitioner is to challenge the election by filing a petition under Section 90 of the Co-Operative Societies Act. Considering the circumstances, as already the petitioner's nomination has been rejected with reason, if the petitioner has any grievance regarding the rejection, it is always open to the petitioner to file a petition under Section 90 of the Co-Operative Societies Act and cannot maintain the Writ Petition.

6. In the above circumstances, the writ petition is dismissed with liberty to the petitioner to file appropriate petition under Section 90 of the Co-operative Societies Act raising all the grounds available to him. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mrp/rst
To

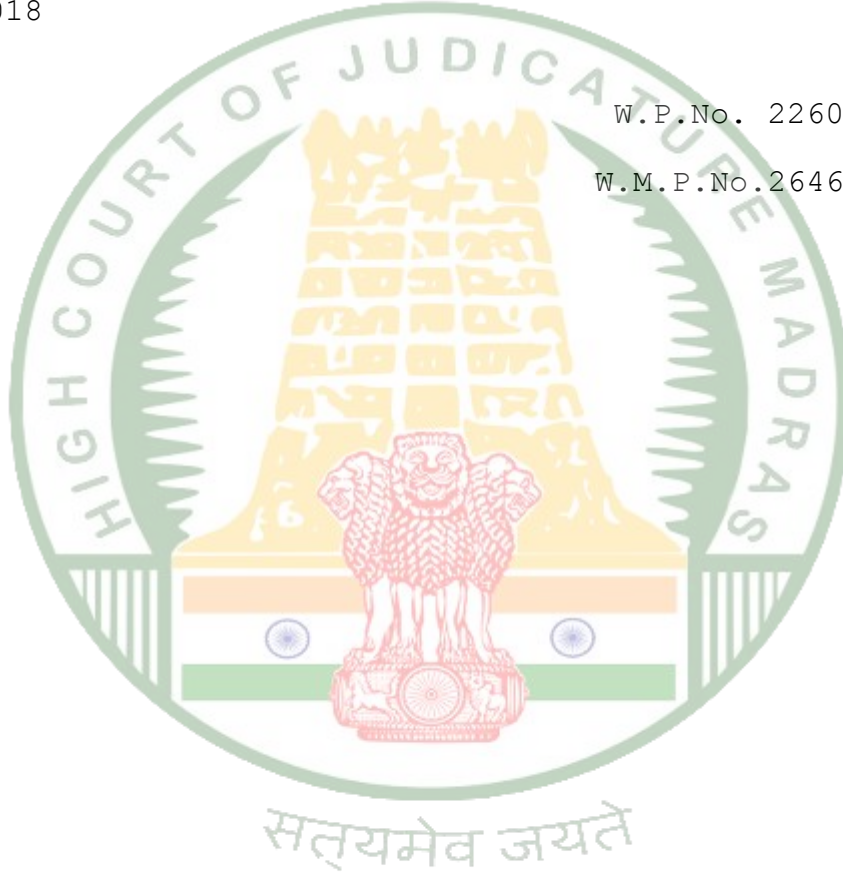
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Co.operative Credit Society Ltd.
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Dharmapuri District

+1cc to Mr.V.Sakkarapani, Advocate SR.NO.60714
+1cc to Mr.L.P.Shanmugasundram, Advocate SR.NO.60436
+1cc to Government Pleader SR.NO.61257

sm:27.9.2018

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