

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.22642 of 2018

and

W.M.P.s 26485 & 26486 of 2018

1.C.Veeramuthu

2.P.Sivakumar

3.K.Kala

...Petitioners

Versus

1.Tamil Nadu State Co-operative Societies,
Election Commissioner,
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai,
Chennai - 600 018.

2.The Joint Registrar of Co-operative Societies,
Zonal Election Officer (Co-operative Societies),
Nagapattinam.

3.The Election Officer,
Z.204, Vedaranyam Salt Employees Co-operative,
Production and Sales Society Ltd.,
Nagapattinam District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the entire process of current election to the 3rd Respondent society is illegal, null and void; and consequently direct the respondents to conduct fresh election to the 3rd respondent society by accepting all the nominations in accordance with Tamil Nadu Cooperative Societies Act, 1983, Tamil Nadu Co-operative Societies Rules, 1988 and instructions in the Co-operative Election Manual and conduct the election in a free and fair manner within a reasonable time to be fixed by this Hon'ble Court.

For Petitioners : Mr.R.Neelakandan

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

Mr.L.P.Shanmugasundram,
Special Government Pleader
for Respondents 2 and 3

ORDER

This Writ Petition has been filed seeking for a declaration declaring the election conducted to the Board of Directors to the 3rd respondent Cooperative Society as illegal, null and void.

2. The grievance of the petitioners is that the election to the Board of Directors of the 3rd respondent society was scheduled to be conducted on 01.09.2018, for which, the petitioners have filed their nominations on 25.08.2018. Totally 39 nominations have been filed. On the date of the scrutiny on 27.08.2018, the Election Officer was not available and there is no scrutiny of nominations. Thereafter, on the very same day, the eligible list of candidates have been published containing only 25 names and the petitioners names were not found place in the list of eligible candidates and the petitioners nominations have been rejected. In the said circumstances, the petitioners have sent a representation to the authority, but no action has been taken. Hence, they have filed the present writ petition.

3. I have considered the submissions made by Mr.R.Neelakandan, learned counsel appearing for the petitioners as well as Mr.M.S.Palaniswamy, learned Standing Counsel for 1st respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader for Respondents 2 and 3 and perused the records carefully.

4. Mr.L.P.Shanmugasundaram, learned counsel appearing for the respondents 2 and 3 submitted that after filing the nominations on 27.08.2018, all the nominations filed by the petitioners have been rejected by Election Officer on valid reasons and the reasons also recorded by the Election Officer and he has also produced the copy of the nominations.

5. On considering the fact that the petitioners' nominations have been rejected by the Election Officer as to whether the reasons for the rejection is valid or not cannot be decided in the Writ Petition. Hence, at this stage, the only remedy available to the petitioners is to file a petition under Sec.90 of the Tamil Nadu Cooperative Societies Act, challenging the election.

6. In the said circumstances, the present writ petition cannot be entertained by this Court at this stage. However, the

petitioners are at liberty to challenge the election by way of filing a necessary application under Sec. 90 of Tamil Nadu Cooperative Societies Act.

7. With the above said observation, the present writ petition stands disposed. No costs. Consequently, connected miscellaneous petitions are also closed.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

rpp/vv2

To

1.The Election Commissioner,
Tamil Nadu State Co-operative Societies,
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai,
Chennai - 600 018.

2.The Joint Registrar of Co-operative Societies,
Zonal Election Officer (Co-operative Societies),
Nagapattinam.

3.The Election Officer,
Z.204, Vedaranyam Salt Employees Co-operative,
Production and Sales Society Ltd.,
Nagapattinam District.

+1 cc to Mr.R.Neelakandan, Advocate in SR.No.63271

+1 cc to Mr.L.P.Shanmugasundaram, Advocate in Sr.No.63415

+1 cc to Government Pleader in SR.No.63850

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KR(CO)
CSL/16.10.2018

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