

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.22647 of 2018
and
W.M.P.No.26492 of 2018

N.Danapal

... Petitioner

Vs

- 1.The Tamil Nadu Co-operative Societies
Election Commissioner,
No.273, Kamadhenu Supermarket,
I Floor, Anna Salai,
Chennai - 600 018.
 2. The Deputy Registrar/
District Election Officer,
Co-operative Societies,
Ariyalur District.
(R2 amended as per Court order
Dt: 10.09.2018 in W.M.P.No.27194 of 2018)
 3. Mr. Sambandam/Clerk Pudupalayam PACB cum
Election Officer,
R.1218, tirumnaur Primary-
Agricultural Co-operative Credit Bank,
Ariyalur Taluk and 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; consequently direct the respondents to conduct fresh election to the third respondent society to issue and accept the nominations from the petitioner in accordance with Tamil Nadu Co-operative 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 Court.

For Petitioner :Mr.K.Chandra Mohan

For Respondents :Mr.M.S.Palanisamy,
Standing Counsel,
for R1
: Mr.L.P.Shanmugasundaram,
Special Government Pleader,
for R2 and R3.

O R D E R

This writ petition has been filed seeking declaration declaring the election to the third respondent society as illegal.

2. The grievance of the petitioner is that the election to the Board of Directors of the third respondent Co-operative Society was scheduled to be held on 28.08.2018, for which, filing of nomination was fixed on 25.08.2018. On that date, the third respondent Election Officer did not visit the society and did not issue any nomination papers. Thereafter, the third respondent illegally received the nomination from 11 persons. In the said circumstances, the petitioner sent a representation to the first respondent /Election Commissioner. Based on the petitioner's complaint, the Election Commissioner by an order dated 27.08.2018 in Na.Ka.No.6213/2018-Koo.they.2 directed the District Election Officer, to conduct an enquiry and submit a report. Despite that, no order has been passed by the first respondent. Hence, the present Writ Petition has been filed.

3. Mr.L.P.Shanmugasundaram, Special Government Pleader appearing for the respondents 2 and 3 submitted that now the second respondent/District Election Officer already conducted enquiry and he has submitted a report to the first respondent/ Election Commissioner.

4. Mr.M.S.Palaniswamy, Standing counsel, appearing for the first respondent submitted that already the first respondent received the report from the second respondent and based on that enquiry will be conducted and suitable orders will be passed.

5. Considering the above fact that now enquiry is pending before the first respondent, first respondent is directed to conduct enquiry after giving opportunity to the petitioner and pass suitable order on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

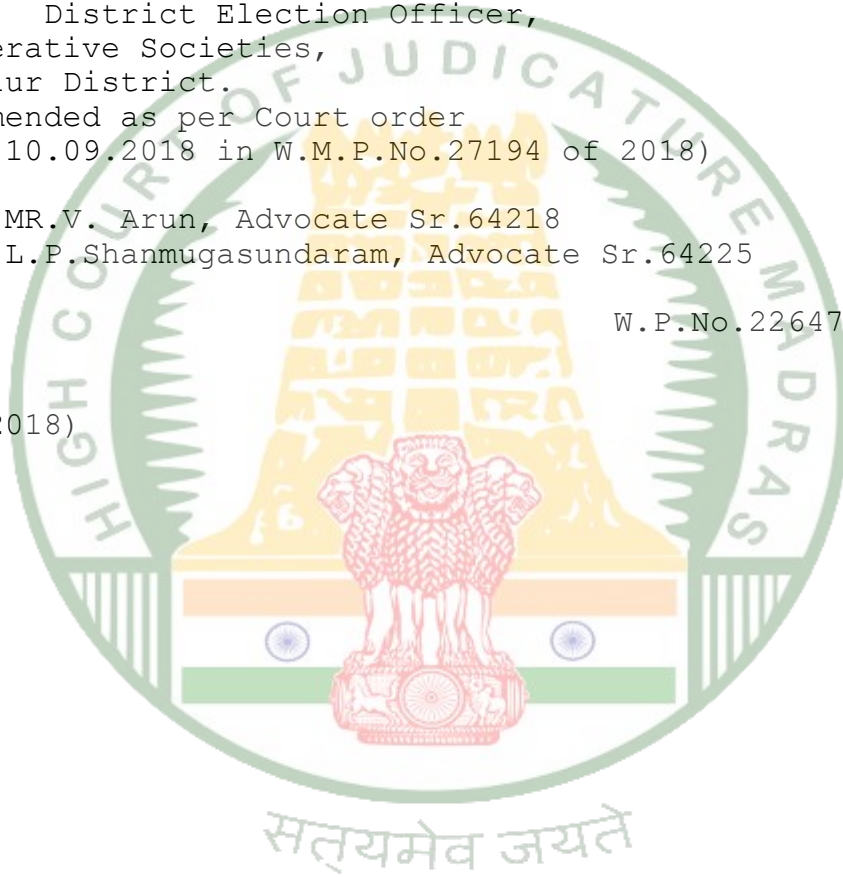
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+ 1 cc to MR.V. Arun, Advocate Sr.64218
+ 1 cc to L.P.Shanmugasundaram, Advocate Sr.64225

W.P.No.22647 of 2018

(CS-DR)
EU (28/09/2018)



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