

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 22658 of 2018
and
W.M.P. 26510 of 2018

1. R.M. Palanisamy,
2. R. Rajendran
3. P. Easwaramoorthy
4. M. Muthusamy
5. T. Amaravathi
6. P. Kathiresan
7. R. Rameshkumar,
8. S. Ragu
9. P. Vengadesh
- 10.M. Balasubramaniam
- 11.K. Subramaniam
- 12.C. Parameshwari

.... Petitioners

Vs

1. The Chief Election Commissioner,
Cooperative Societies,
273, Anna Salai, Teynampet,
Chennai-600 018.
2. The District Cooperative
Societies Election Officer,
Tiruppur District, Tiruppur.
3. The Electoral Officer,
K-1569, Primary Agricultural
Cooperative Credit Society,
Palladam, Trichy Road, Palladam,
Tirupur-641 664.
4. The Special Officer,
K-1569, Primary Agricultural
Cooperative Credit Society,
Palladam, Trichy Road, Palladam,
Tirupur-641 664.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the election process adopted by the 3rd respondent for the 4th respondent society as illegal and consequently direct the 1st respondent to conduct fresh elections for the 4th Respondent Society in a democratic and fair manner.

For Petitioner : Mr.Karl Marx K.C.
For Respondents : Mr.M.S.Palaniswamy,
Standing Counsel for R1
Mr. L.P. Shanmugasundaram,
Special Government Pleader
for Respondents 2 to 4

O R D E R

This Writ Petition has been filed for challenging the election process adopted by the 3rd respondent Election Officer as illegal and to conduct the fresh election to the 4th respondent society.

2. The grievance of the petitioner is that in the election conducted to the Board of Directors of the 4th respondent society, the petitioner along with 17 other persons have filed their nominations on 25.08.2018. Out of 17 nominations, 3 nominations have been rejected and 14 nominations have been accepted. Subsequently, 13 names, who have not even filed their nominations have been considered by the 3rd respondent and out of 13 nominations, 11 candidates have been declared elected on 28.08.2018. Immediately, on 28.08.2018 itself, before the declaration of election, the petitioner has sent a representation complaining about the conduct of the 3rd respondent, but no order has been passed so far. Hence, he has filed the present Writ Petition.

3. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents 2 to 4 had produced the entire records showing that totally 32 nominations have been filed including that of the petitioner. Out of which, 19 nominations including that of petitioner was rejected and thereafter, two candidates have withdrawn their nominations and leaving only 11 candidates eligible to contest in the election. Subsequently, the said 11 candidates were declared as elected as Board of Directors.

4. Mr. K.C.Karl Marx, learned counsel appearing for the petitioner submitted that so far as the petitioner and others, no order has been passed by the 3rd respondent Election Officer for rejecting their nominations. The 3rd respondent has biased against the petitioner and he has supported the ruling party candidates and arbitrarily declared elected. In the said circumstances, he has filed a complaint before the 1st respondent even before the declaration of election and on the representation, no order has been passed.

5. I have heard the rival submissions made by the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents 2 to 4 and perused the materials available on record.

6. On perusal of records, it is seen that the petitioner has already sent a complaint before the 1st respondent on 28.08.2018 even before the declaration of election and now, the complaint is pending with the 1st respondent. As per the order passed by this Court in the Writ Petition Nos.11145, 15733, 2219 etc. of 2018 etc. batch (M.Sadhasivam and others Vs. State of Tamil Nadu and others), since the complaint has been filed before declaration of election, the complaint is

now pending before the 1st respondent, the 1st respondent is directed to consider the petitioner's complaint and pass suitable orders on merits and in accordance with law after giving the opportunity to the petitioner and other interested persons within a period of six weeks from the date of receipt of the copy of this order.

7. 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 VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Election Commissioner,
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2. The District Cooperative
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Cooperative Credit Society,
Palladam, Trichy Road, Palladam,
Tirupur-641 664.

+1cc to M/s.Karl Marx K.C. Advocate SR.NO.63011
+1cc to M/s.L.P.Shanmuga Sundaram, Advocate SR.NO.63071
+1cc to Government Pleader SR.NO.63426

sm:3.10.2018

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