

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 22785 of 2018
and
W.M.P. 26626 of 2018

C.Sakthivel

... Petitioner

Vs

1. Tamil Nadu State Co-operative Societies Election Commission, rep. by The Commissioner, No.273, Kamadhenu Supermarket, First Floor, Anna Salai, Chennai-600 018.
2. The District Election Officer, Co-operative Department, Dharmapuri District.
3. The Secretary, K.K.225, Maniyathahalli Primary Agricultural Co-operative Credit Society Ltd., Maniyathahalli Village, Nallampalli Taluk, Dharmapuri Dt.
4. G.Chinnasamy
5. P.Mathiazhagan
6. R.Sivasakthi
7. N.Murugan
8. P.Pusparaj
9. G.Sivakumar
10. Kannadasan
11. Vennila
12. M.Neela
13. Unnamalai
14. Perumal @ Kannan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the selection of directors to the 3rd respondent society in an election conducted by the 2nd respondent on 28.08.2018 as null and void, unconstitutional, illegal and non-est in law and further direct the respondents 1 and 2 to conduct the fresh election to the 3rd respondent society by strictly following the Tamil Nadu Co-operative Societies Rules, 1988.

For Petitioner : Mr.V.Sakkarapani

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

Mr.L.P.Shanmugasundaram,
Special Government Pleader
for Respondents 2 & 3

ORDER

This writ petition has been filed challenging the election to the Board of Directors of the 3rd respondent society.

2. Today, when the matter taken up for hearing, the learned counsel appearing for the petitioner submitted that out of 11 elected candidates, one Sivasakthi and P.Pusparaj, who are all uneducated and illiterates and they are not qualified to contest in the election and now, they have been declared elected. In the said circumstances, the petitioner has filed the present Writ Petition challenging the election.

3. It is settled law that once the election process is completed, the only remedy available for the petitioner is to file a petition under Sec.90 of the Tamil Nadu Co-operative Societies Act.

4. While disposing of a batch of Writ Petitions, which were filed challenging the elections to various cooperative societies, a Division Bench of this Court by judgment dated 03.08.2018 in W.P.No.7526 of 2018, etc. [R.Sakkarapani, Member of Legislative Assembly, Oddanchathiram Constituency v. State of Tamil Nadu and others], has held that the only remedy available to them to challenge the election is to file a petition under Sec.90 of the Tamil Nadu Co-operative Societies Act.

5. In view of the above, there is no merit in the Writ Petition and hence, the Writ Petition stands dismissed. However, liberty is given to the petitioner to challenge the election if he so aggrieved in the manner known to law. No costs. Consequently, the connected Writ Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS-VIII)

// True Copy//

Sub Assistant Registrar

rpp

To

1. The Commissioner,
Tamil Nadu State Co-operative
Societies Election Commission,
No.273, Kamadhenu Supermarket,
First Floor, Anna Salai, Chennai-600 018.
2. The District Election Officer,
Co-operative Department,
Dharmapuri District.
3. The Secretary,
K.K.225, Maniyathahalli Primary
Agricultural Co-operative Credit
Society Ltd., Maniyathahalli Village,
Nallampalli Taluk, Dharmapuri Dt.

+1cc to M/s.V.Sakkarapani, Advocate, sr.no.60713
+1cc to M/s.L.P.Shanmigasundaram, Advocate, sr.no.61029
+1cc to The Government Pleader, sr.no.61266

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and
W.M.P. 26626 of 2018

CP(CO)
RMP(28/09/2018)