

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.22796 of 2018
and
W.M.P.No.26632 and 27146 of 2018

B.Settu

... Petitioner

Vs

1.Tamil Nadu State Co-operative
Societies Election Commission Rep by
The Commissioner
No.273, Kamadhenu Supermarket
1st Floor, Anna Salai
Chennai-18

2.The District Election Officer,
Co-operative Department,
Dharmapuri District.

3.The Secretary,
S.575, Palayam Primary Agricultural
Co-operative Credit Society Ltd.
Palayam Pudur
Nallampalli Taluk,
Dharmapuri District

4.V.Arivu

5.V.Maadhu

6.C.Sakkaravel

7.G.Maadhu

8.P.R.Madhaiyan

9.V.Kandasamy

10.C.Pandurangan

11.M.Vasantha

12.M.Mani

13.S.Marimuthammal

<https://hcservices.ecourts.gov.in/hcservices/>
14.A.Senbagam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, to declare the election 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 nonest 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 R1
Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 and R3

O R D E R

This writ petition has been filed for a declaration, declaring the selection of Board of Directors to the third respondent society as illegal.

2. Admittedly, it is settled law, challenging the election, the only remedy available to the petitioner is to file a petition under Sec.90 of the Tamil Nadu Co-operative Societies Act and the petitioner cannot challenge the proceedings under Art.226 of the Constitution of India. On that score, the writ petition cannot be maintained and accordingly, the present writ petition stands dismissed. However, it is always open to the petitioner to challenge the election to the Board of Directors to the fourth respondent society in the manner known to law, and if any such petition filed, as per the order passed by the Division Bench of this court, the petition should be disposed of within a period of three months from the date of receipt of the petition. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp/rst

To

1.The Commissioner

Tamil Nadu State Co-operative
Societies Election Commission Rep by
No.273, Kamadhenu Supermarket
1st Floor, Anna Salai
Chennai-18

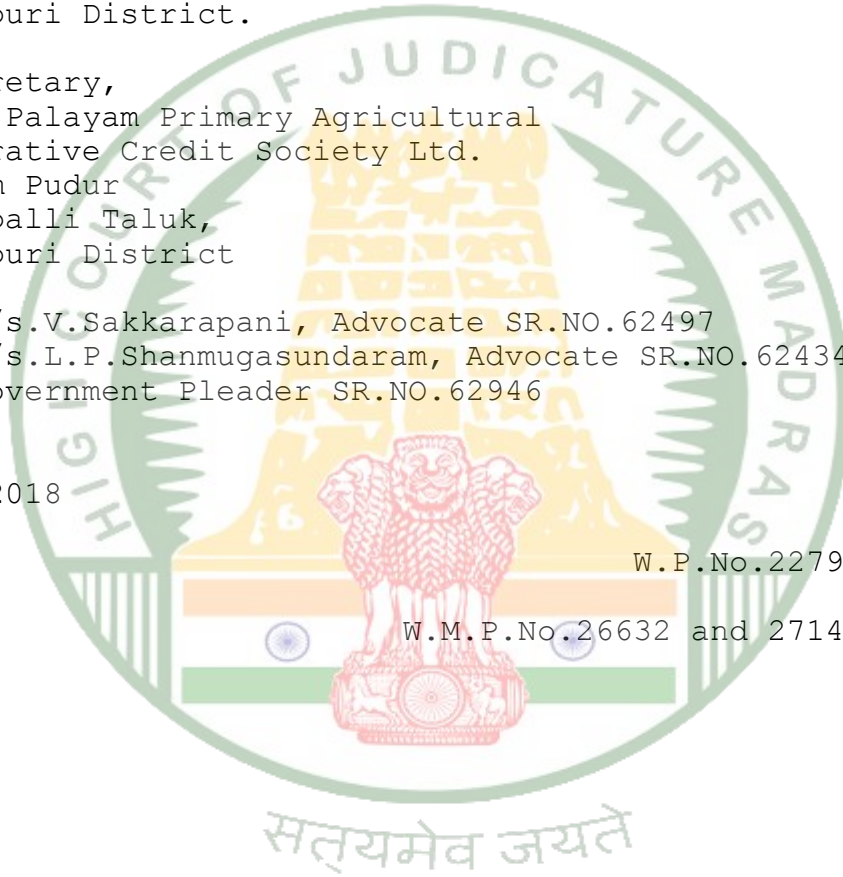
2.The District Election Officer,
Co-operative Department,
Dharmapuri District.

3.The Secretary,
S.575, Palayam Primary Agricultural
Co-operative Credit Society Ltd.
Palayam Pudur
Nallampalli Taluk,
Dharmapuri District

+1cc to M/s.V.Sakkarapani, Advocate SR.NO.62497
+1cc to M/s.L.P.Shanmugasundaram, Advocate SR.NO.62434
+1cc to Government Pleader SR.NO.62946

MP (CO)
sm:17.10.2018

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