

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.22958 of 2018

B.Siva

... Petitioner

Vs.

- 1.The Election Officer
Tamil Nadu State co-operative
Societies Election Commission,
No.237, Kamadhenu Super market Buildings,
1st Floor, Anna Salai,
Chennai-600 018
- 2.The Assistant Director of Fishers (Marine),
No.249, Sooriya Narayana Cheety street,
Royapuram,
Chennai-600 013
- 3.The secretary,
Sigabadullah Manai,
Fishers Co-operative societies,
No.249, Sooriya Narayana Cheety Street,
Royapuram,
Chennai-600 013.
- 4.The Joint Director,
Department of fisheries,
No.485, 5th Floor MTB Building,
Anna Salai, Anna Colony,
Nandanam,
Chennai-600 035

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the fourth respondent to consider petitioner's representation dated 28.08.2018 and enlist petitioner name as candidate for the post of director of the third respondent society.

For Petitioner : Mr.G.Krishnamoorthy

For Respondents : Mr.M.S.Palanisamy
Standing Counsel for R1

Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 to R4

O R D E R

This writ petition has been filed seeking direction to the fourth respondent to consider the petitioner's representation.

2. According to the petitioner, the election to the third respondent society was held on 01.09.2018, for that the petitioner filed his nomination on 25.08.2018 . But, without passing any orders, the third respondent has rejected the nomination and 7 persons were selected. Hence, the petitioner made a representation to the fourth respondent alleging that the petitioner's nomination has been rejected without any reason whatsoever. Since no order has been passed, the present writ petition has been filed.

3. Admittedly, now the election is over and on 28.08.2018, 7 Board of Directors were declared as elected by the fourth respondent . In such circumstances, once election is over, the fourth respondent has no power to consider the dispute and the only remedy available to the petitioner is to challenge the election under Section 90 of the Co-operative Societies Act . Hence, the prayer sought for in the present Writ Petition cannot be granted.

4. Accordingly, this Writ Petition is dismissed, however, it is always open to the petitioner to challenge the election under Section 90 of the Co-Operative Societies Act, if he has any grievance.
mrp/rst

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

To

- 1.The Election Officer
Tamil Nadu State co-operative
Societies Election Commission,
No.237, Kamadhenu Super market Buildings,
1st Floor, Anna Salai,
Chennai-600 018.
- 2.The Assistant Director of Fishers(Marine),
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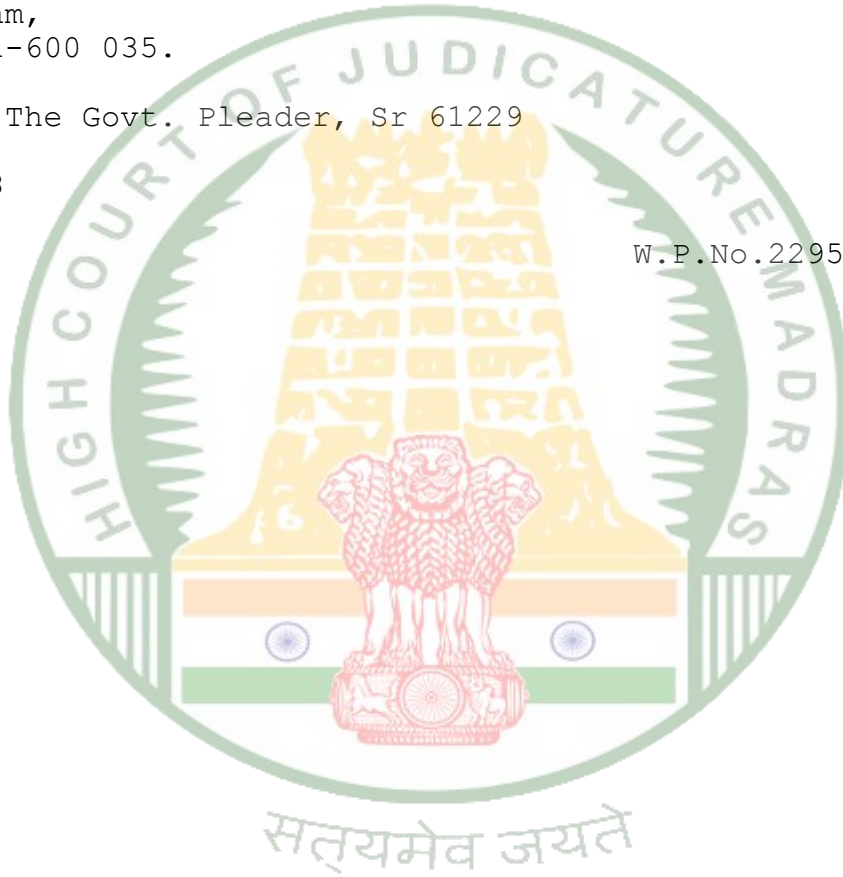
3.The secretary,
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Chennai-600 013.

4.The Joint Director,
Department of fisheries,
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Nandanam,
Chennai-600 035.

+ 1 cc to The Govt. Pleader, Sr 61229

KR/8/10/18

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