

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 23117 of 2018

and

W.M.P. Nos. 26997 & 26998 of 2018

P. Kandasamy

... Petitioner

Vs

1. Tamil Nadu State Co-operative Societies Election Commission
Represented by its Commissioner
273, Scheme Road,
Teynampet, Chennai-600 018
2. The Deputy Registrar of Cooperative Societies
& District Election Officer,
Coimbatore Range,
Coimbatore.
3. Theethipalayam Primary Agriculture
Co operative Credit Society,
By its Election Officer,
Kalampalayam Post,
Coimbatore 641 010.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating the notification dated 13.08.2018 published in the daily news paper Dina Thanthi and quash the same in so far as the same relates to the election of members of the board to No.3210 Theethipalayam Primary Agricultural Cooperative Credit Society is concerned and consequently, direct the respondents to conduct the election afresh in accordance with law.

For Petitioner : Mr.P.Raja
For Respondents : Mr.M.S.Palaniswamy,
Standing Counsel for R1

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

O R D E R

This Writ Petition has been filed for challenging the election schedule issued by the 2nd respondent for conducting the election to the 3rd respondent cooperative society.

2. The grievance of the petitioner is that the election to the 3rd respondent cooperative society was conducted in the month of April 2018 and the petitioner has filed his nomination on 27.04.2018. The petitioner's nomination was accepted. Thereafter, the election was cancelled by the 1st respondent and after cancelling the election, the fresh election schedule was issued on 23.05.2018 in pursuant to the orders passed by the 1st and 2nd respondents. Now, challenging the election schedule, the present Writ Petition has been filed.

3. Mr.P.Raja, learned counsel appearing for the petitioner submitted that even though the petitioner has challenged the election schedule issued by the 2nd respondent, as per the fresh election schedule, the petitioner has filed his nomination, but without passing any order either to accept or to reject his nomination, now the 3rd respondent declared 11 candidates as elected. On that score alone, the election is necessarily cancelled.

4. Mr. L.P.Shanmugasundaram, learned counsel appearing for the respondents 2 and 3 submitted that the petitioner's nomination has been rejected on valid grounds and in pursuant to the election schedule, the election was conducted on 07.09.2018, in which 11 candidates were declared as elected as Board of Directors. Subsequently, the election to the office-bearers was also held on 07.09.2018 and one Mr. R.Ramaraj was elected as President and Mr.R.Sivasamy was elected as Vice-President and they have also taken charge.

5. Considering the fact that the election is over and the office-bearers also taken charge, the only remedy available to the petitioner is to file a petition under Sec.90 of Tamil Nadu Cooperative Societies Act and the learned counsel appearing for the petitioner now submitted that even though the petitioner has filed his nomination, so far, the order for rejecting the nomination of the petitioner was not communicated to him. In the said circumstances, the 3rd respondent is directed to communicate the order of rejecting the petitioner's nomination within a period of one week from the date of receipt of the copy of this order.

6. In the result, the present Writ Petition stands disposed with a liberty to the petitioner to challenge the election

in the manner known to law if he so advised. No costs. Consequently, the connected Writ Miscellaneous Petitions are also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp

To

1. Tamil Nadu State Co-operative Societies Election Commission
Represented by its Commissioner
273, Scheme Road,
Teynampet, Chennai-600 018
2. The Deputy Registrar of Cooperative Societies
& District Election Officer,
Coimbatore Range,
Coimbatore.
3. Theethipalayam Primary Agriculture
Co operative Credit Society,
By its Election Officer,
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Coimbatore 641 010.

+1 CC to Mr.L.P. Shanmuga Sundaram, Advocate sr 63068.

+1 CC to Mr.P. Raja, Advocate sr 63213.

+1 CC to Govt. Pleader sr 63433.

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SP(26/09/2018)

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