

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2018

CORAM

THE HONOURABLE MR.JUSTICE MR. S.S.SUNDAR

W.P.No.23234 of 2018
and WMP.No.27120 of 2018

R.Mohandoss

... Petitioner

Versus

- 1.The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
273, Kamadhenu Super Market, 1st Floor,
Annasalai, Teynampet,
Chennai - 600 018.
 2. The Election Officer
E2591 Parvathipuram Urban Co-operative Credit Sangam Ltd.,
Parvathipuram, Vadalur,
Kurinjpadi Taluk,
Cuddalore District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 03.09.2018 to conduct enquiry against the second respondent for the irregularities committed by him in conducting Election of Board Members of E2591 Parvathipuram Urban Co-operative Credit Sangam Ltd., Parvathipuram Vadalur and for other relief.

For Petitioner : Mr.K.A.Ravindran

For Respondents : Mr.M.S. Palanisamy, for R1
Mr.L.P.Shanmugasundaram
Spl.G.P., for R2

O R D E R

This petition is filed for issuing a direction to the first respondent to consider the petitioner's representation dated 03.09.2018 and conduct enquiry against the second respondent for

the irregularities committed by him in conducting Election of Board Members of E2591 Parvathipuram Urban Co-operative Credit Sangam Ltd., Parvathipuram Vadalur.

2. It is alleged by the petitioner that the second respondent, without any programme for conducting Election for the Board Members of Co-operative Credit Society, viz., Parvathipuram Urban Co-operative Sangam Ltd., published an Election schedule and then declared Election Result on 28.08.2018.

3. It is stated that the second respondent has committed serious irregularities and hence, the petitioner has sent a representation to the first respondent on 03.09.2018 to take action against the second respondent and to conduct fresh Election.

4. In the said representation, the petitioner requested the first respondent to do the following:-

- "a. Set aside the Election of all 11 Board Members to E2591 Parvathipuram Urban Co-operative Credit Sangam Ltd., declared by the Election Officer on 28.08.2018.
- b. Order for detailed enquiry against the Election Officer of the said Sangam for the irregularities committed by him in conducting the Election of Board Members of this Sangam and
- c. To appoint a New Election Officer to conduct Election of the Board Members to the E2591 Parvathipuram Urban Co-operative Credit Sangam Ltd., Parvathipuram, Vadalur, and grant other relief and oblige."

5. The petitioner seeks a direction to the first respondent to set aside the Election. However, the first respondent has no authority to decide the Election dispute, and hence, this Court is not inclined to entertain the Writ Petition initially. Thereafter, the learned counsel for the petitioner stated that his request regarding cancellation of Election need not be considered, but his representation for enquiry against the Election Officer and action to be taken against him, may be considered.

6. Considering the limited scope of the prayer that is now sought before this Court, by the learned counsel for the petitioner, without expressing any opinion of the petitioner's contentions, this Court is inclined to pass the following order:-

The first respondent is directed to consider the representation of the petitioner dated 03.09.2018 and conduct enquiry against the second respondent, if any irregularity had been committed by him, and take

appropriate action in accordance with law, after affording proper opportunity of hearing to the second respondent, within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

pvs
To

- 1.The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
273, Kamadhenu Super Market, 1st Floor,
Annasalai, Teynampet,
Chennai - 600 018.
2. The Election Officer
E2591 Parvathipuram Urban Co-operative Credit Sangam Ltd.,
Parvathipuram, Vadalur,
Kurinjiipadi Taluk,
Cuddalore District.

+1cc to Mr.K.A.Ravindran, Advocate Sr.61661
+1cc to Mr.P.Shanmugasundaram, Advocate Sr.62209
+1cc to the Government Pleader Sr.62149

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