

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.23488 of 2018

V.Ramakrishnan

... Petitioner

Vs

1.The State Tamil Nadu Co-operative Societies
Election Commissioner,
No.273, Kamadhenu Super Market,
Anna Salai, Chennai-600 018.

2.The Deputy Registrar/The District Election Officer,
Co-operative Societies,
Pollachi Region,
Coimbatore District

3.The Election Officer
TPSPL.52, Senkuttaipalayam,
Primary Agricultural Co-operative Credit Society,
Kinathukadavu Taluk,
Coimbatore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to conduct a fresh election in a free and fair manner by considering the petitioner's representation dated 27.08.2018.

For Petitioner :Mr.M.N.Balakrishnan

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 direction directing the respondents to conduct the election to the 3rd respondent co-operative society.

2. According to the petitioner, the election to the 3rd respondent co-operative society was scheduled to be held on 25.08.2018, for which 35 nominations have been filed for the post of Board of Directors. After filing the nominations, during the scrutiny, no order has been passed either to accept the nomination or to reject the nomination of the petitioner. In such circumstances, he has sent a representation to the 2nd respondent complaining about the non consideration of nominations. But, so far no order has been passed. Hence, the present Writ Petition has been filed.

3. Today, when the matter is taken up for hearing, Mr.L.P.Shanmugasundaram, learned Special Government Pleader for the respondents submitted that already election to the Board of Directors was over on 28.08.2018. Subsequently, the election to the Office Bearers was also over on 07.09.2018 and the Board of Directors have also taken charge.

4. In such circumstances, as already the election is already over, the only remedy available to the petitioner is to file a petition under Sec.90 of the Tamil Nadu Co-Operative Societies Act challenging the election and the prayer sought by the petitioner in the present Writ Petition cannot be maintained. Hence, the Writ Petition stands dismissed. However, it is always open to the petitioner to file a petition under Sec.90 of the Tamil Nadu Co-operative Societies Act, challenging the election.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rpp/rst

To

1.The State Tamil Nadu Co-operative Societies
Election Commissioner,
No.273, Kamadhenu Super Market,
Anna Salai, Chennai-600 018.

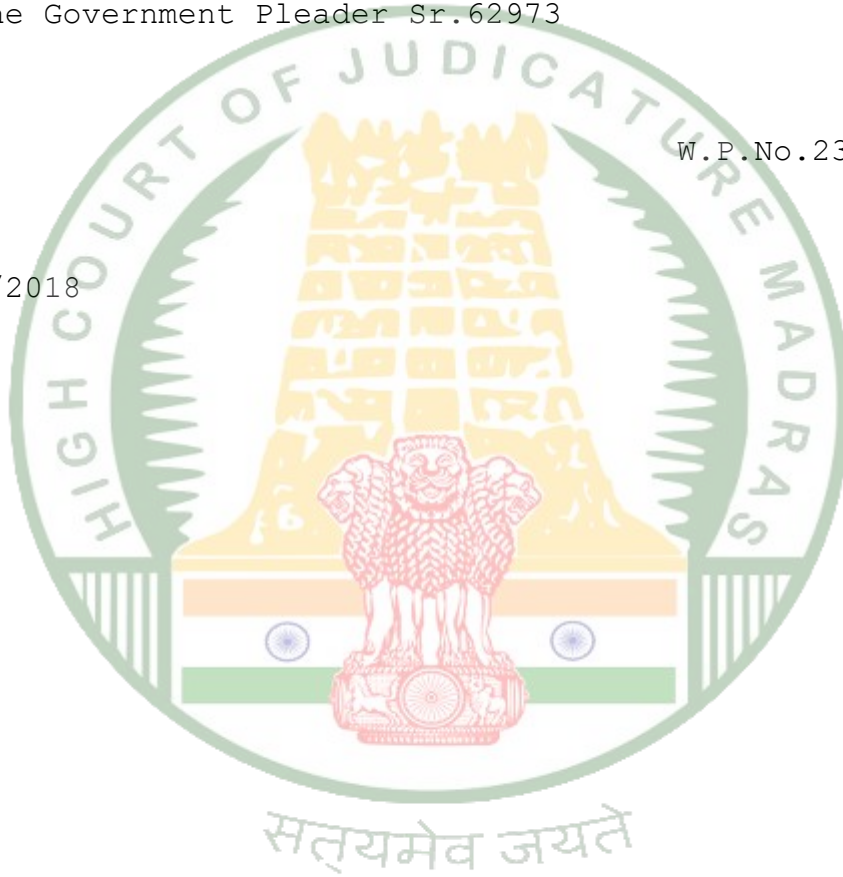
2.The Deputy Registrar/The District Election Officer,
Co-operative Societies,
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Coimbatore District.

3.The Election Officer
TPSPL.52, Senkuttaipalayam,
Primary Agricultural Co-operative Credit Society,
Kinathukadavu Taluk,
Coimbatore District.

+lcc to M/S.L.P.Shanmugasundaram, Advocate Sr.62433
+lcc to M/S.M.N.Balakrishnan, Advocate Sr.62788
+lcc to the Government Pleader Sr.62973

W.P.No.23488 of 2018

srg 17/10/2018



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