

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 23729 of 2018
and
W.M.P. 27677 of 2018

K.Madhaiyan @ Nehru

... Petitioner

Vs

1. The State Election Commissioner,
Tamil Nadu Co-operative Societies
Election Commission,
No.273, Kamathenu Cooperative
Stores, Anna Salai, Chennai-600 018.

2. The District Election Officer
(Co-operative Elections),
Dharmapuri District,
Dharmapuri.

3. The Election Officer,
S-542, Selliyampatty Primary
Agricultural Co-operative
Credit Society, Selliyampatty,
Palacode Taluk, Dharmapuri Dt.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent herein to consider the petitioner representation dated 28.08.2018 regarding irregularities and illegalities committed by the 3rd respondent herein in conducting the election to the 3rd respondent society, viz., S-542, Selliyampatty Primary Agricultural Cooperative Credit Society, Selliyampatty, Palacode Taluk, Dharmapuri District commenced on 25.08.2018 and on subsequent dates and further direct the respondents 1 and 2 to take appropriate action against the 3rd respondent Election Officer and conduct the fresh election to the above said society strictly in accordance with law and pass orders on the same on merits.

For Petitioner : Mr.R.Thamaraiselvan
For Respondents : Mr.M.S.Palaniswamy
Standing Counsel for R-1

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

O R D E R

This Writ Petition has been filed seeking for a direction directing the 1st respondent to consider the petitioner's representation regarding conducting of election to the Board of Directors to the 3rd respondent co-operative society.

2. The grievance of the petitioner is that, as per the notification issued for the election to the Board of Directors to the 3rd respondent co-operative society, 99 nominations were filed. Whereas, the 3rd respondent rejected 84 nominations without giving any reason whatsoever and published notice in the notice board that only 15 nominations were accepted as eligible candidates to contest in the election. In the said circumstances, the petitioner has made a representation to the 1st respondent on 28.08.2018, but the same was not considered. Hence, the present Writ Petition has been filed by the petitioner.

3. Now, admittedly, the election is over and the results were also published on 27.08.2018 and the petitioner has sent his representation only on 28.08.2018 subsequent to that.

5. Now, on considering the fact that since the representation is submitted subsequent to the election process was over, the 1st respondent has no power to consider the same. Hence, the 1st respondent cannot consider the petitioner's representation at this stage. However, if the petitioner has any grievance in the conduct of election, the only remedy available to the petitioner is to file a petition under Sec.90 of the Tamil Nadu Co-operative Societies Act. In the said circumstances, the relief sought in the present Writ Petition cannot be granted.

6. In view of the above, the present Writ Petition stands dismissed with a liberty to the petitioner to file a petition under Sec.90 of the Tamil Nadu Cooperative Societies Act to challenge the election. No costs. Consequently, the connected Writ Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

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3. The Election Officer,
S-542, Selliyampatty Primary
Agricultural Co-operative
Credit Society, Selliyampatty,
Palacode Taluk, Dharmapuri Dt.

+1cc to Mr.Mr.R.Thamaraiselvan, Advocate, S.R.No.63183
+1cc to Mr.Mr.L.P.Shanmugasundaram , Advocate, S.R.No.63072
+1cc to the Government Pleader, S.R.No.63432

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and

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nr 25/10/2018