IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.23756 of 2018
and
W.M.P.Nos.27710 and 27711 of 2018

K.Jaisankar Rao ... Petitioner

Vs

1.The State Election Commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Anna Salai, Chennai-18.

2.The Joint Registrar of Co-operative Societies,
Vellore Region,
Vellore.

3.The Deputy Registrar of co-operative Societies,
Thirupathur Circle,
Thirupathur,
Vellore District.

4.The Election Officer,
C-2143, Andiappanur Primary
Agricultural Co-operative Credit Society,
Andiappanur Post,
Vaniyambadi Taluk,
Vellore District-635 702.

5.The Management of
C-2143, Andiappanur Primary
Agricultural Co-operative Credit Society,
Andiappanur Post,
Vaniyambadi Taluk,
Vellore District-635 702.

6.A.Ganesan

7.M.Chinnaraj Gounder

8.M.Sakthivel
9.P.Karnan

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10.B.Gnanam
11.G.P.A.Ganapathi
12.K.Tamilselvi
13.S.Valarmathi
14.M.Latha
15.V.Suganthi
16.P.Dhanalakshmi vvbvb... 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 to the declaration (Duly Elected) dated 07.08.2018 on the file of the fourth respondent quash the same and direct the respondents to conduct a proper election after following the procedure.

For Petitioners : Mr.S.Doraisamy

For Respondents : Mr.M.S.Palaniswamy
Standing Counsel for R1
Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 to R5

O R D E R

This writ petition has been filed challenging the declaration declaring the election to the as Board of Directors of the fifth respondent society.

2. The grievance of the petitioner is that election to the Board of Directors was conducted to the fifth respondent society. Even, the person, who were not filed their nominations, had been declared elected as Board of Directors. Hence, he has filed a complaint before the first respondent/Election commission. But, no action has been taken. 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 appearing for the respondents 2 to 5 submitted that, already based on the complaint given by the petitioner, enquiry was conducted by the District Election Officer/fourth respondent and now he sent his recommendation to the first respondent in and by his proceedings in Na.Ka.719/2018 SaPa dated 15.09.2018. Now, the above recommendation is pending with the first respondent.

4. Mr.M.S.Palaniswamy, Standing Counsel, appearing for the first respondent, on instructions, submitted that now the recommendation is pending with the first respondent and the Election Commission will be passed suitable orders after conducting enquiry.

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5. In view of the nature of the order going to be passed in the writ petition, which no way prejudices the interest of the respondents 6 to 16, notice to the respondents 6 to 16 is dispensed with.

6. Considering the fact that since the recommendation of the third respondent is pending with the first respondent, the first respondent is directed to conduct enquiry after issuing notice to the petitioner as well as the respondents 6 to 16 and pass suitable orders on merits and in accordance with law within a period of six weeks 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 Petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The State Election Commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Anna Salai, Chennai-18.

2.The Joint Registrar of Co-operative Societies,
Vellore Region,
Vellore.

3.The Deputy Registrar of co-operative Societies,
Thirupathur Circle,
Thirupathur,
Vellore District.

4.The Election Officer,
C-2143, Andiappanur Primary
Agricultural Co-operative Credit Society,
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Vaniyambadi Taluk,
Vellore District-635 702.

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5.The Management of
C-2143, Andiappanur Primary
Agricultural Co-operative Credit Society,
Andiappanur Post,
Vaniyambadi Taluk,
Vellore District-635 702.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.64077
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.64221
+2cc to the Government Pleader, S.R.No.64616 and 64993

W.P.No.23756 of 2018
and
W.M.P.Nos.27710 and 27711 of 2018

SKV(CO)

rrs 01/10/2018

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