

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28..08..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.12445 of 2018

and

W.M.P.Nos.14576 to 14578 of 2018

- 1.M.Nagaraji
- 2.R.Ravichandran
- 3.Tmt.D.Kotteswari
- 4.Tmt.G.Lakshmi
- 5.Tmt.M.K.Sivamalli
- 6.B.Bhaskar
- 7.K.S.Elango
- 8.N.M.Kovalan
- 9.V.V.Osiraman
- 10.A.Chengalvarayan

... Petitioner

-Versus-

- 1.The Commissioner,
Tamil State Co-operative Societies
Election Commission,
No.273, Kamadhenu Supermarket,
Chennai 600018.
- 2.The District Election Officer and
Deputy Registrar of Cooperative Societies,
Tiruttani Circle,
Tiruvallur District.
- 3.The Election Officer, सतयमेव जयते
G.T.56, R.K.Pettai and Pallipattu Panchayat Union,
Teachers Co-operative Thrift and Credit Society Ltd.,
R.K.Pettai 631 303
Tiruvallur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in his proceedings in Na.Ka.3306/2018/koo.The dated 04.05.2018 relating to the cancellation of election to the post of Board of Directors of the G.T.56 R.K.Pettai Thrift and Credit Society Limited, R.K.Pettai-631 303, Tiruvallur District.

For Petitioner : Mr.S.Kamadevan
For Respondents : Mr.M.S.Palanisamy, Standing
Counsel for R1
Mr.L.P.Shanmugasundaram for
R2 and R3

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent canceling the election to the Board of Directors to the 3rd respondent society.

2. According to the petitioner, Notification for the election to the Board of Directors of the 3rd respondent society was issued on 05.03.2018. The following was the schedule for the election:

1	Filing of Nominations	:	03.04.2018
2	Scrutiny of the Nominations	:	02.05.2018
3	Announcement of Valid Nominations	:	03.05.2018
4	Election in the event of Contest	:	07.05.2018

Further, according to the petitioner, totally there were 24 nominations filed for election to the posts of Board of Directors. The 3rd respondent after having scrutinized the nominations announced nominations of 11 candidates as valid and rejected the other 13 nomination papers. Thereafter, the 3rd respondent published the names of the candidates, whose nomination papers were found to be valid in the notice board. While that be so, the 1st respondent by way of impugned order cancelled the election on the ground that there were complaints alleging that the 3rd respondent rejected the nominations of 13 candidates en mass and declared the other candidates as eligible to contest. It is the said order now under challenge in this writ petition.

3. The learned counsel for the petitioner would submit that after the process of scrutiny of the nomination papers was over, the 3rd respondent declared only 11 nominations as valid and rejected the nominations of the other candidates en masse and

published the same under Form 20 on the notice board. According to the learned counsel, the 3rd respondent has without giving any opportunity to the petitioner found the nomination paper of the petitioner as not valid and the passed the impugned order unilaterally.

4. Per contra, the learned standing counsel for the 1st respondent would contend that on 04.05.2018, the 1st respondent had received a complaint from the Tamil Nadu Elementary School Teachers Federation alleging that on the date of scrutiny of nomination papers, the 3rd respondent rejected the nominations of 13 candidates including the petitioner en masse without assigning any sufficient reason and published the list of the candidates whose nominations were accepted as valid. The 1st respondent after having considered the objection and the relevant records, passed the impugned order. The learned standing counsel would further contend that subsequently, the 1st respondent in and by his proceedings dated 21.06.2018 Na.Ka.3306/2017/CoopE.2 invoking his powers under Rule 52(18)(c) of the Tamil Nadu Cooperative Societies Rules, 1988, rescheduled the election to the society and further directed the election process to be continued from the stage where it was stopped. Therefore, the 3rd respondent may be directed to continue the election process from the stage of scrutiny of nomination.

5. At this juncture, the learned counsel for the petitioner submitted that the election was stopped after the process of scrutiny of nomination was over and the names of the candidates whose nominations were accepted as valid nominations and as per rule 52(18)(c) of the Rules, the 1st respondent is empowered only to direct the election process to be continued from stage where it was stopped and he is not empowered to direct the election process to be continued from the stage of scrutiny of nominations papers.

6. I have considered the rival submissions.

7. Admittedly, the 3rd respondent scrutinized the nomination papers and published the names of the candidates whose nominations were accepted as valid. While so, it appears, that at this stage the election was stopped. Indisputably, there were totally 24 nominations filed for the election to the Board of Directors of the 3rd respondent society and the 3rd respondent had rejected 13 nominations en masse including 12 nominations from the members of the Tamil Nadu Elementary School Teachers Federation and accepted the 11 other nomination papers as valid nominations. The 1st respondent had cancelled the election mainly on the ground that the 3rd respondent rejected 13 nominations en masse. On a careful perusal of the impugned order, this court is of the view that the 1st respondent,

after having considered the objection from the Federation of Tamil Nadu Elementary School Teachers and facts and circumstances of the case, had cancelled the election of 11 candidates, whose name were declared by the 3rd respondent as eligible to contest in the election to the post of Board of Director of the 3rd respondent society and directed the election to be continued from the stage of scrutiny of nomination papers on the ground that there were complaints regarding rejection of nomination papers en masse. Under Rule 52(18)(c), the 1st respondent has got power either to resume the election from the stage where it was stopped or to resume at an earlier stage. In the instant case, the 1st respondent after considering the fact that 13 nomination papers were rejected without any reason and declared nomination papers of 11 other candidates as valid for 11 post of Board of Directors and the 1st respondent has also given a valid reasons for the same. In that circumstances, I find no illegality or irregularity in the order passed by the 1st respondent. Thus, the writ petition deserves only to be dismissed. The 1st respondent is directed to issue election schedule to the 3rd respondent society within a period of one week from the date of receipt of a copy of this order.

8. In the result, the writ petition is dismissed, however, with the above directions.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Commissioner, Tamil State Co-operative Societies
Election
Commission, No.273,
Kamadhenu Supermarket, Chennai 600018.

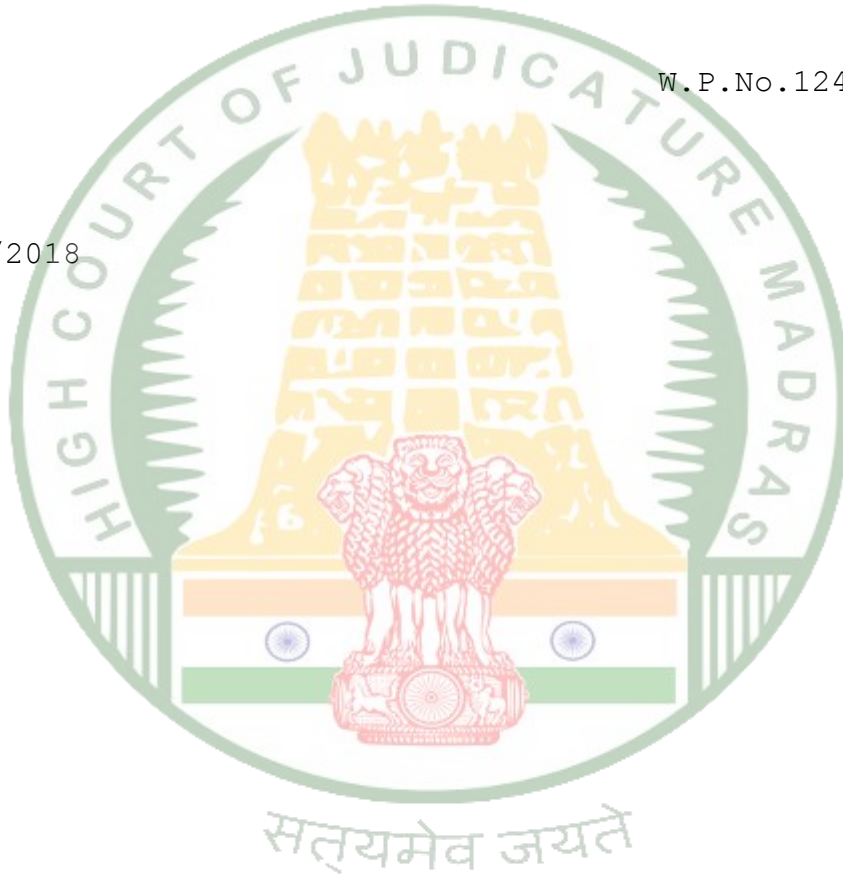
2.The District Election Officer and Deputy Registrar of
Cooperative
Societies, Tiruttani Circle,
Tiruvallur District.

3.The Election Officer, G.T.56, R.K.Pettai and Pallipattu
Panchayat
Union, Teachers Co-operative Thrift and Credit Society Ltd.,
R.K.Pettai 631 303, Tiruvallur District.

+1cc to the Government Pleader Sr.59841
+1cc to Mr.S.Kamadevan, Advocate Sr.59023
+1cc to Mr.L.P.Shanmuga sundaram, Advocate Sr.59184

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