

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.23843 of 2018

and

W.M.P.No.27780 of 2018

1.K.Thamarai
2.M.Kathirvel

... Petitioners

Vs

- 1.The Tamil Nadu State Co-operative Societies Election commission,
Rep. By its Secretary,
No.273, Kamadhenu Super Market,
Anna Salai, Chennai- 600 018.
- 2.The District Election Officer/ Deputy Registrar,
Co-operative Societies,
Salem Region,
Salem.
- 3.The Election Officer,
S-576, Vellar Primary Agricultural Co-operative
Credit Society, (PACCS),
Vellar,
Mettur Taluk,
Salem District.
- 4.The Inspector of Police,
Mecheri Police Station,
Mecheri-636 453,
Mettur-636 453,
Salem District.

5.L.Kumar

6.P.Maharajan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned notice issued by the third respondent dated 07.09.2018 reference nil by postponing

the election of President and Vice-President of S-576, Vellar Primary Agricultural Co-operative Credit Society, (PACCS), Vellar, Mettur Taluk, Salem District and quash the same, consequently direct the third respondent to conduct the election of President and Vice-President of the said society with adequate police protection from the fourth respondent and also videograph the entire said election process.

For Petitioners :Mr.M.R.Jothimanian

For Respondents :Mr.M.S.Palaniswamy
Standing Counsel
for R1

: Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 and R4

O R D E R

This writ petition has been filed challenging the order passed by the third respondent postponing the election to the Office Bearers of the third respondent Co-operative society.

2. The grievance of the petitioners is that the petitioners have filed their nominations to the post of President in the third respondent Co-operative society. Now, the third respondent postponed the election. Hence, the present writ petition has been filed.

3. Mr.L.P.Shanmugasundaram, Special Government Pleader appearing for the respondents 2 to 4 submitted that now the second respondent/District Election Officer already conducted enquiry and he has submitted a report to the first respondent/Election Commissioner.

4. Mr.M.S.Palaniswamy, Standing Counsel, appearing for the first respondent submitted that already the first respondent received the report from the second respondent and based on that enquiry will be conducted and suitable orders will be passed.

5. Considering the fact that now enquiry is pending with the first respondent, the first respondent is directed to conduct enquiry after giving opportunity to the petitioner and pass suitable order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order for conducting election to the Office Bearers of the third respondent society.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp
To

- 1.The Tamil Nadu State Co-operative Societies Election commission,
Rep. By its Secretary,
No.273, Kamadhenu Super Market,
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Salem.
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Mettur Taluk,
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- 4.The Inspector of Police,
Mecheri Police Station,
Mecheri-636 453,
Mettur-636 453,
Salem District.

+1cc to Mr.M.R.Jothimanian, Advocate Sr.64640
+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.64493
+1cc to the Government Pleader Sr.64614

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srg 30/10/2018