

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.11.2018

CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 22641 of 2018 and W.M.P.s 26483 & 26484 of 2018,
W.P. 25088 of 2018 and W.M.P. 29147 of 2018
and
W.P. 25089 of 2018 and W.M.P. 29148 of 2018

W.P. 22641 of 2018

1. R.Arun Selvakumar
2. P.Kavitha
3. P.Arumugam
4. K.Balasubramanian ... Petitioners

Vs.

1. The State Election Commissioner,
Tamil Nadu State Cooperative Societies
Election Commission,
Kamadhenu Super Market Building,
No.273, Scheme Road,
Subbarayan Nagar, Teynampet,
Chennai-600 018.

2. The District Election Officer/Deputy Registrar,
Opp. DSP Office,
Dharapuram, Tiruppur District.

3. The Election Officer,
TP Special 27, Komaralingam
Primary Agricultural Cooperative
Credit Society,
Komaralingam, Madathukulam Taluk,
Tiruppur District-642 204. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the order dated 11.08.2018 passed by the 3rd respondent canceling the election for the petitioner's society and all further proceedings in pursuance of the above order as null and void as the same is passed without power illegally and in violation of Article 14 and 21 of Constitution of India.

W.P. 25088 of 2018

R.Arun Selvakumar

... Petitioner

Vs.

1. The State Election Commissioner,
Tamil Nadu State Cooperative Societies
Election Commission,
Kamadhenu Super Market Building,
No.273, Scheme Road,
Subbarayan Nagar, Teynampet,
Chennai-600 018.

2. The District Election Officer/Deputy
Registrar,
Opp. DSP Office,
Dharapuram, Tiruppur District.

3. The Election Officer,
TP Special 27, Komaralingam
Primary Agricultural Cooperative
Credit Society,
Komaralingam, Madathukulam Taluk,
Tiruppur District-642 204.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the order dated 11.08.2018 passed by the 1st respondent to start the election process afresh so far as petitioner's society named TP Special 27 Komaralingam Primary Agricultural Cooperative Credit Society is concerned is null and void as the same is contrary to Tamil Nadu Cooperative Act and Rules and passed in violation of Article 14 and 21 of Constitution of India.

W.P. 25089 of 2018

R.Arun Selvakumar

... Petitioner

Vs.

1. The State Election Commissioner,
Tamil Nadu State Cooperative Societies
Election Commission,
Kamadhenu Super Market Building,
No.273, Scheme Road,
Subbarayan Nagar, Teynampet,
Chennai-600 018.

2. The District Election Officer/Deputy
Registrar, Opp. DSP Office,
Dharapuram, Tiruppur District.

3. The Election Officer,
TP Special 27, Komaralingam
Primary Agricultural Cooperative
Credit Society,
Komaralingam, Madathukulam Taluk,
Tiruppur District-642 204.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the order in Na.Ka.No.3181/2018 Co.The.-2, dated 18.06.2018 passed by the 1st respondent to start the election process from the stage of scrutinisation instead of withdrawal of nomination is null and void as the same is contrary to Tamil Nadu Cooperative Act and Rules and passed in violation of Article 14 and 21 of Constitution of India.

For Petitioners : Mr.N.Ponraj

For Respondents : Mr.M.S.Palaniswamy,
Standing Counsel for R1
Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R2 and R3

C O M M O N O R D E R

The Writ Petition in W.P. 22641 of 2018 has been filed challenging the order passed by the 3rd respondent Election Officer cancelling the election conducted to the Board of Directors to the 3rd respondent Society.

The Writ Petition in W.P. 25088 of 2018 has been filed challenging the order passed by the 1st respondent to conduct election from the stage of filing nomination and ordering fresh election to the 3rd respondent society.

The Writ Petition W.P. 25089 of 2018 has been filed challenging the order passed by the 1st respondent to conduct election from the stage of scrutiny of nominations.

2. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, Mr.M.S.Palaniswamy, learned standing counsel appearing for the respondents submitted that based on various complaints given by the parties, the Election Commission conducted a detailed enquiry and passed a final order dated 15.11.2018 cancelling the entire election to the 3rd respondent cooperative society.

3. In view of the fact that now the entire election process has been cancelled by the 1st respondent, there is no further adjudication is required in these Writ Petitions. Hence, all these Writ Petitions are dismissed. Further, in view of the order passed by the Election Officer, the 1st respondent is directed to issue fresh election schedule to the 3rd respondent cooperative society within a period of four weeks from the date of receipt of the copy of this order.

4. In the result, the Writ Petitions are dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The State Election Commissioner,
Tamil Nadu State Cooperative Societies
Election Commission,
Kamadhenu Super Market Building,
No.273, Scheme Road,
Subbarayan Nagar, Teynampet,
Chennai-600 018.

2.The District Election Officer/Deputy
Registrar,
Opp. DSP Office,
Dharapuram, Tiruppur District.

3.The Election Officer,
TP Special 27, Komaralingam
Primary Agricultural Cooperative
Credit Society,
Komaralingam, Madathukulam Taluk,
Tiruppur District-642 204.

+2ccs to Mr.L.P.Shanmugasundaram, Advocate, SR.No.78700 & 78702

W.P. 22641 of 2018 & W.M.P.s 26483 &
26484 of 2018, W.P. 25088 of 2018 &
W.M.P. 29147 of 2018 and W.P. 25089
of 2018 & W.M.P. 29148 of 2018

SKV(CO)
rrs 01/02/2019