

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. No. 24050 of 2018
and
W.M.P.s 28019 to 28022 of 2018

E. Anandharaj ... Petitioner

Vs

1. The Election Commissioner,
Tamil Nadu Cooperative Societies,
Tamil Nadu Cooperative Election
Commission,
No.273, Kamadhenu Super Market,
1st Floor, Anna Salai, Chennai-18
2. The Joint Registrar,
Cooperative Societies,
Saravanabhava Cooperative Wholesale
Office, Cuddalore,
Cuddalore District.
3. The Deputy Registrar/District Election
Officer, Cooperative Societies,
Saravanabhava Cooperative Wholesale
Office, Cuddalore, Cuddalore Dt.
4. The Election Officer,
E-2043, Veeraperumanallur Primary
Agricultural Cooperative Credit Society
Salem Main Road,
Panruti Taluk.
5. P.Navambal
6. S. Rani
7. A.Vijayalakshmi
8. E.Sivaguru
9. N.Balaguru
10. G.Duraikkannu
11. P.Balakrishnan
12. R.Ramkumar
13. D.Arivukkarasan

WEB COPY

14. B.Rajendran
15. R.Elangovan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Form No.22 election result declared by the 4th respondent dated 18.08.2018 and quash the same as null and void for the entire election schedule conducted by the 3rd and 4th respondent, consequently direct the 3rd respondent to conduct a fresh election fair and transparent manner as per the election rules, to the E.2043 Veeraperumanallur Primary Agricultural Cooperative Credit Society, Salem Main Road, Panruti Taluk, Cuddalore District.

For Petitioner : Mr. R.Rajamohan

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

Mr. L.P. Shanmugasundaram,
Special Government Pleader
for Respondents 2 to 4

ORDER

This Writ Petition has been filed for challenging the election conducted to the Board of Directors of the 3rd respondent cooperative society.

2. The Writ Petition has been filed on the ground that the election to the 3rd respondent society was not properly conducted and some of the candidates, who have not filed their nominations in SC/ST category has been included in the final list as SC/ST category. Apart from that, during the election, some malpractice has been conducted in the election. Raising all those pleas, the present Writ Petition has been filed.

3. it is settled law that once the election is declared, the only remedy available to the petitioner is to file a petition under Sec.90 of Tamil Nadu Cooperative Societies Act and hence, the petitioner cannot challenge the same by way of filing Writ Petition under Art. 226 of Constitution of India. Hence, the present Writ Petition is liable to be dismissed and accordingly, it is dismissed.

4. In the result, the present Writ Petition stands dismissed with a liberty to file a petition under Sec.90 of the Tamil Nadu

Cooperative Societies Act. No costs. Consequently, the other Writ Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

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E-2043, Veeraperumanallur Primary
Agricultural Cooperative Credit Society
Salem Main Road,
Panruti Taluk.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 63418
+1cc to Mr.R.Rajamohan, Advocate, S.R.No. 63683
+1cc to the Government Pleader, S.R.No. 63849

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AK (CO)
GN(01/10/2018)