

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2018

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THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.24317 of 2018

and

W.M.P.Nos.28331 and 28332 of 2018

P.Jayaram

... Petitioner

Vs

1.The Election Commissioner,
Tamil Nadu Co-op. Societies Election Commission,
No.273, Anna Salai,
Chennai.

2.The Election Officer,
Nilgiris District Plantation Workers,
Co-operative Thrift and Credit Society,
Coonoor, The Nilgiris District.

3.The Managing Directors,
Nilgiris District Plantation Workers,
Co-operative Thrift and Credit Society,
Coonoor, The Nilgiris District.

4.The Deputy Superintendent of police,
Coonoor Division,
The Nilgiris.

5.K.M.Rayappan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the entire records leading to the order passed by the second respondent herein on 27.08.2018 declining to reject the nomination of the fifth respondent to the post of Executive Committee member to the third respondent society and quash the same and consequently delete the fifth respondent's name (Serial Number 22) from the candidates list dated 27.08.2018 released by the second respondent.

For Petitioner

:Mr.A.Bobblie

For Respondents

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

O R D E R

This writ petition has been filed seeking a direction to the second respondent to reject the nomination filed by the fifth respondent to the post of Board of Directors of the third respondent society.

2. The grievance of the petitioner is that, while the petitioner was the President of the third respondent society, the third respondent Board has passed a resolution removing the fifth respondent from the membership of the third respondent Board. That being so, now, the fifth respondent is permitted to contest the election once again and he filed the nomination for the Board of Directors. Now, the election has been postponed by the third respondent. In such circumstances, the petitioner filed a representation before the Election Officer/second respondent to reject the nomination filed by the fifth respondent. But the second respondent passed an order dated 27.08.2018 declining the request made by the petitioner. Hence, the present writ petition has been filed.

3. Mr.L.P.Shanmugasundaram, learned Special Government Pleader, appearing for the respondents 2 and 3 submitted that already due to some law and order problem, election has been postponed and new schedule has not been issued so far by the first respondent.

4. Considering the fact that the election has been postponed, the petitioner is at liberty to approach the second respondent/Election Officer and file his objection and on filing such objection, the second respondent is directed to consider the petitioner's objection on merits and in accordance with law and pass suitable orders after hearing the fifth respondent.

5. With the above direction the present writ petition is disposed of. No Costs. Consequently, Connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

- 1.The Election Commissioner,
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Coonoor, The Nilgiris District.
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Nilgiris District Plantation Workers,
Co-operative Thrift and Credit Society,
Coonoor, The Nilgiris District.
- 4.The Deputy Superintendent of police,
Coonoor Division,
The Nilgiris.

+1cc to L.P.Shanmugasundaram, Advocate, sr.64224

+1cc to A.Bobbie, Advocate, sr.63987

+1cc to Government Pleader, sr.64609

W.P.No.24317 of 2018

and

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SSI (CO)
GSP (22/10/2018)

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