

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.24479 of 2018

G.Thiyagarajan

... Petitioner

Vs

- 1.The Election Commissioner
O/o The Election Commissioner of Tamil Nadu Co-operative Societies Election,
Thenampet,
Chennai-600 018.
- 2.The Deputy Registrar of Co-operative Societies/
The District Election Officer,
2nd Floor, Kuralagam,
Broadway,
Chennai-600 108.
- 3.The Election Officer/the Sub-Registrar of Co-operative Stores,
The Railway (Perambur) Employees Co-operative Stores Ltd,
(X331)
Perambur,
Chennai-600 023.
- 4.The Special Officer,
The Railway Employees Co-operative Stores Ltd(X-331)
521, 4th Street,
Pananthoppu Colony,
Ayanavaran, Chennai-23.
- 5.A.Kanjana Devi
- 6.S.Rani
- 7.P.Thiyagarajan
- 8.V.Gunasekaran
- 9.M.Mohan

WEB COPY

10.J.Nareshkumar

11.G.Arivazhagi

12.V.Ramesh

13.M.Anantharaj

14.S.Balaji

15.T.Selvaraj

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider and take appropriate legal action on the representation made by the petitioner dated 18.08.2018 with relate to the irregularities committed in the election for the fourth respondent Railway Employees Co-operative Stores Ltd (X-331) held on 16.08.2018 within the time frame that may be fixed by this Court.

For Petitioner : Mr.K. Thilageswaran

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 direction to the respondents 1 to 3 to consider the petitioner's representation dated 18.08.2018.

2. The grievance of the petitioner is that, the election to the third respondent society was conducted and during the counting there was a confusion. In the said circumstances, the petitioner had filed an application for re-counting of votes and also not to declare the election result. But, that was not considered. Hence, the present writ petition has been filed.

3. Admittedly, now, the election has been over and the result has been declared on 18.08.2018 itself. In the said circumstances, the petitioner's prayer for re-counting of votes cannot be granted. However, if the petitioner has any grievance regarding the counting of votes, it is always open to him to

challenge the same under section 90 of the Tamil Nadu Co-operative Societies.

4. Hence, the present writ petition is dismissed with liberty to the petitioner to file appropriate application under Section 90 of the Tamil Nadu Co-operative societies Act . No Costs.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

mrp/rst

To

- 1.The Election Commissioner
O/o The Election Commissioner of Tamil Nadu Co-operative Societies Election,
Theyampet, Chennai-600 018.
- 2.The Deputy Registrar of Co-operative Societies/
The District Election Officer,
2nd Floor, Kuralagam, Broadway,
Chennai-600 108.
- 3.The Election Officer/the Sub-Registrar of Co-operative Stores,
The Railway (Perambur) Employees Co-operative Stores Ltd,
(X331)
Perambur,
Chennai-600 023.
- 4.The Special Officer, सतयमेव जयते
The Railway Employees Co-operative Stores Ltd(X-331)
521, 4th Street,
Pananthoppu Colony, Ayanavaran, Chennai-23.

+1cc to Mr.K.Thilageswaran, Advocate SR.No.64938

+1cc to Government Pleader SR.No.64989

W.P.No.24479 of 2018

GMY (24/09/2018)