

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Thursday, the Sixth day of September Two Thousand Eighteen

PRESENT

THE HON'BLE MR.JUSTICE S.S.SUNDAR

WP No.23129 of 2018

and WMP.No.27029 of 2018

P.MANI [PETITIONER IN BOTH THE PETITIONERS]

Vs

1 THE STATE OF TAMILNADU [RESPONDENTS IN BOTH THE PETITIONERS]
REP BY ITS PRINCIPAL SECRETARY TO
GOVERNMENT, AGRICULTURE CO OPERATIVE
SOCIETIES, FORT ST.GEORGE, CHENNAI 600 009

2 THE ELECTION COMMISSIONER,
TAMILNADU STATE COOPERATIVE SOCIETIES,
NO.273, KAMADENU SUPER MARKET,
1 FLOOR, ANNA SALAI, CHENNAI 600 018

3 THE REGISTRAR OF COOPERATIVE
SOCIETIES, NO.170 , EVR PERIYAR ROAD,
KILPAUK, CHENNAI -10

4 THE JOINT REGISTRAR
OFFICE OF THE JOINT REGISTRAR OF COOPERATIVE
SOCIETIES, VANDAVASI ROAD, KANCHIPURAM,
KANCHIPURAM DISTRICT

5 THE DISTRICT ELECTION OFFICER
MADURANTAKKAM CIRCLE DEPUTY REGISTRAR,
KANCHIPURAM DISTRICT

6 THE ELECTION OFFICER
G 1782 BUDOOR PRIMARY AGRICULTURE
COOPERATIVE CREDIT SOCIETY, BUDOOR,
KANCHIPURAM DISTRICT 603 308

7 DEIVASIGAMANI,
PRESIDENT OF G.1782 BUDOOR PRIMARY
AGRICULTURE, CO OPERATIVE CREDIT SOCIETY,
BUDOOR, KANCHIPURAM DISTRICT 603308

8 V.KUMAR, VICE PRESIDENT OF
G.1782 BUDOR PRIMARY AGRICULTURE CO
OPERATIVE CREDIT SOCIETY, BUDOR,
KANCHIPURAM DISTRICT 603308

9 V.SELVI, DIRECTOR OF G.1782
BUDOR PRIMARY AGRICULTURE, COOPERATIVE
CREDIT SOCIETY, BUDOR,
KANCHIPURAM DISTRICT 603 308

10 S.SAMPORNAN
DIRECTOR OF G.1782 BUDOR PRIMARY
AGRICULTURE, COOPERATIVE CREDIT SOCIETY,
BUDOR, KANCHIPURAM DISTRICT 603 308

11 PUNGODI, DIRECTOR OF G.1782
BUDOR PRIMARY AGRICULTURE, COOPERATIVE
CREDIT SOCIETY, BUDOR,
KANCHIPURAM DISTRICT 603 308

12 P.PALANI, DIRECTOR OF G.1782
BUDOR PRIMARY AGRICULTURE, COOPERATIVE
CREDIT SOCIETY, BUDOR,
KANCHIPURAM DISTRICT 603 308

13 P.LAKSHMANAN
DIRECTOR OF G.1782 BUDOR PRIMARY
AGRICULTURE, COOPERATIVE CREDIT SOCIETY,
BUDOR, KANCHIPURAM DISTRICT 603 308

14 V.KUMAR,
DIRECTOR OF G.1782 BUDOR PRIMARY
AGRICULTURE, COOPERATIVE CREDIT SOCIETY,
BUDOR, KANCHIPURAM DISTRICT 603 308

15 L.JAISHANKAR,
DIRECTOR OF G.1782 BUDOR PRIMARY
AGRICULTURE, COOPERATIVE CREDIT SOCIETY,
BUDOR, KANCHIPURAM DISTRICT 603 308

16 S,NANDAKUMAR
DIRECTOR OF G.1782 BUDOR PRIMARY
AGRICULTURE, COOPERATIVE CREDIT SOCIETY,
BUDOR, KANCHIPURAM DISTRICT 603 308

17 K.RAJKUMAR
DIRECTOR OF G.1782 BUDOR PRIMARY
AGRICULTURE, COOPERATIVE CREDIT SOCIETY,
BUDOR, KANCHIPURAM DISTRICT 603 308

Writ Petitions under article 226 of the Constitutions of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(I) issue a Writ or Direction and more specifically a Writ or Order in the nature of Writ of Certiorari Mandamus Calling for the records of the result dated 07.08.2018 issued by the 6th Respondent/The Election Officer for G.1782 Budoor Primary Agriculture Co-operative credit society pertaining to the announcement/notification published by the 2nd Respondent in Thina Thanthi Newspaper dated 22.4.2018 and quash the same and consequently direct the 6th Respondent to conduct Election Polling as per TamilNadu Co operative Societies Act 1983 and TamilNadu co operative societies Rules 1988 related to co operative elections within time framed b y this Hon'ble court [in WP.No.23129 of 2018] and

(II) grant ad interim injunction restraining the respondents from further proceedings in any manner based on the impugned election result issued by the 6th respondent / The Election Officer of G.1782 Budoor Primary Agriculture cooperative credit society dated 07.08.2018 [in WMP.No.27029 of 2018] pending WP.No.23129 of 2018 respectively.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.M.DHARANI DHARAN, Advocate for the petitioner and of MR.L.P.SHANMUGASUNDARAM, SGP taking notice on behalf of the 1st and 3rd to 5th Respondents in both the petitions and of MR.M.S.PALANI SAMY, Advocate taking notice for the 6th respondents in both the petitions, the court made the following order:-

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents 1 and 3 to 5 and Mr.M.S.Palanisamy, learned counsel takes notice for sixth respondent. Notice to the respondents 2 and 7 to 17 returnable in six weeks. Private Notice is also permitted.

2. A Notification was published in newspaper on 22.04.2018 for conducting Election to Budoor Primary Agriculture Credit Society. It is stated that nomination papers were to be submitted on or before 30.04.2018 and that 37 candidates have submitted their nominations.

3. As per the notification, nomination should be submitted on or before 30.04.2018 and the same should be scrutinized on 02.05.2018. However, it is stated that the Election Officer did not scrutinize the nomination papers and there was no Election. It is

further stated by the petitioner that even without issuing notice to any of the candidates, who submitted their nominations and without conducting Election, the sixth respondent-District Election Officer, unilaterally declared a list of eleven candidates as Directors for the G.1782 Budoor Primary Agriculture Credit Society. The learned counsel for the petitioner has also produced news items picturising agitations by members pursuant to the illegal conduct of the sixth respondent.

4. In a Democratic Country like ours, any action in violation of Rules, particularly, in Election matters, cannot be tolerated and Court cannot afford to be a silent spectator even when serious irregularity which invalidates the Election is pointed out. Though it is a case which has to be enquired further, since there is an infringement of Constitutional mandates offending statutory protection, this Court is inclined to grant interim order. Hence, there shall be an order of interim injunction for a period of six weeks.

5. Post the Writ Petition after six weeks.

-sd/-
06/09/2018

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SECRETARY TO
GOVERNMENT, GOVERNMENT OF TAMILNADU
PRINCIPAL SECRETARY TO AGRICULTURE CO
OPERATIVE SOCIETIES, FORT ST.GEORGE, CHENNAI 600 009

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G 1782 BUDOR PRIMARY AGRICULTURE
COOPERATIVE CREDIT SOCIETY, BUDOR,
KANCHIPURAM DISTRICT 603 308

C.C. to M/S.M.DHARANI DHARAN Advocate SR.NO..NO.10690

C.C. to M/S.M.S.PALANI SAMY, Advocate on payment of necessary
charges

The Special Government Pleader, High Court, Madras - 104.

Order
in
WP.23129/2018

and WMP.No.27029 of 2018

Date :06/09/2018

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
RRI 07/09/2018



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