

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13566 of 2018

1. P.Ravi Mohan
2. R.Santhi
3. A.N.Murugesan
4. N.Chinnasamy
5. N.Gowrishankar
6. P.Senthilkumar
7. K.Jeganathan
8. K.Gurusamy
9. Sengodan
- 10.K.Indira
- 11.R.Bakiyalakshmi .. Petitioners

-vs-

1. The Commissioner
Tamil Nadu Co-operative Societies
Election Commission
No.273, Anna Salai
Chennai 600 018
2. The Registrar of Co-operative Societies
Kilpauk
Chennai 600 010
3. The District Collector
Namakkal District
Namakkal
4. The District Election Officer
The Deputy Registrar
Namakkal Collectorate Office
Namakkal
5. The Joint Registrar
Co-operative Societies Joint Registrar Office
Tiruchengode
6. S.5834 T.Anangur Primary Agricultural
Co-operative Society rep.by its President
Anangur Village
Kumarapalayam Taluk
Namakkal District

7. The Electoral Officer
S.5834 T.Anangur Primary Agricultural
Co-operative Society
Anangur Village
Kumarapalayam Taluk
Namakkal District

8. The Superintendent of Police
Namakkal
Namakkal District

9. M.Thangaraj
10.M.Palanichamy
11.P.Chitra
12.M.Megala
13.R.Mahalakshmi
14.M.Singaravelu
15.P.Vijiyakumar
16.P.Eswari
17.V.Chinnusamy
18.R.Sellottuvelu
19.K.Arjunan

... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the
respondents to consider the representation dated 09.04.2018 and
consequently directing them to conduct re-election.

For Petitioners :: Mr.T.Muthukrishnan

For Respondents :: Mr.M.S.Palanisamy
Standing Counsel for R1
Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2, 4 to 7
Mr.V.Jayaprakash Narayanan
Special Government Pleader
for R3 & 8

ORDER

This writ petition has been filed seeking a mandamus
directing the respondents to conduct re-election for electing
the office bearers of the sixth respondent society.

2. When the matter was taken up, Mr.M.S.Palanisamy, learned
counsel for the first respondent-Election Commission submitted
that the prayer in the writ petition has become infructuous,
since the election for electing the office bearers, namely,

President, Vice-President and others was already held on 7.4.2018 and thereafter the elected office bearers have also assumed office and discharging their duties from 9.4.2018. Therefore, the only remedy available to the petitioner is to approach the Election Tribunal under Section 90.

3. Recording the said statement, finding that the prayer has become infructuous and the remedy lies only before the Election Tribunal under Section 90, this writ petition is dismissed. Consequently, W.M.P.No.15983 of 2018 is also dismissed. No costs.

Sd/-

Assistant Registrar(CS-vii)

//True Copy//

Sub Assistant Registrar

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To

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Tamil Nadu Co-operative Societies
Election Commission
No.273, Anna Salai
Chennai 600 018
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Kilpauk
Chennai 600 010
3. The District Collector
Namakkal District
Namakkal
4. The Superintendent of Police
Namakkal
Namakkal District

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No.35212
+1cc to Mr.T.MUTHUKRISHNAN, Advocate, S.R.No.35733
+1cc to the Government Pleader, S.R.No.35375

W.P.No.13566 of 2018

TR(13/06/2018)