

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.13998 of 2018

C.Saravanan

.. Petitioner

-vs-

1. Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor
Anna Salai
Chennai 600 018
 2. The District Election Officer (Cooperative Societies)
Cuddalore District
 3. The Election Officer
E.2578, Thiruvandhipuram Primary
Agricultural Cooperative Society
Cuddalore District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Declaration, declaring the entire process of current election to the third respondent society is illegal, null and void and consequentially direct the respondents to conduct fresh election to the third respondent society by accepting all the nominations in accordance with Tamil Nadu Co-operative Societies Act, 1983, Tamil Nadu Co-operative Societies Rules, 1988 and instructions in the Co-operative Election Manual and conduct the election in a free and fair manner within a reasonable time to be fixed by this Hon'ble Court.

For Petitioner :: Mr.R.Neelakandan

For Respondents :: Mr.M.S.Palanisamy
Standing Counsel for R1
Mr.L.P.Shanmughasundaram
Special Government Pleader
for R2 & 3

ORDER

This writ petition has been filed seeking issuance of a declaration declaring the entire process of election that took place in the third respondent society as illegal, null and void with a consequential direction to the respondents to conduct fresh election to the third respondent society by accepting all the nominations in accordance with Tamil Nadu Co-operative Societies Act, 1983, Tamil Nadu Co-operative Societies Rules, 1988 and the instructions in the Co-operative Election Manual and conduct the election in a free and fair manner.

2. Learned counsel for the petitioner submitted that when free and fair elections are the hallmark of democracy, that has not been held in the present case. Pointing out many irregularities, a representation has been given to the Election Commission and an enquiry also is on the pipeline. Therefore, if a direction is given, accepting the representation of the petitioner, to the first respondent Election Commissioner, Tamil Nadu State Cooperative Societies, no one would be put to any problem.

3. However, both the learned standing counsel for the first respondent and the learned Special Government Pleader for the respondents 2 & 3 jointly submitted that after the scrutiny of the nomination papers on 27.3.2018, some of the candidates also withdrew the nominations on 28.3.2018 and finally the elections to the post of Director were held on 2.4.2018. The learned standing counsel for the first respondent also submitted that after the completion of the first phase of election, even the second, third and fourth phases of the elections were also over. Only in view of the intervention of the Supreme Court, the respondents are unable to proceed with the counting of votes and the declaration of results.

4. Since the election process were all over, this Court is not inclined to entertain the writ petition at this stage, as the petitioner has to work out his remedy in the manner known to law by approaching the Election Tribunal, if he is aggrieved. With this observation, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Election Commissioner
Tamil Nadu State Co-operative Societies
No.273, Kamadhenu Supermarket, I Floor
Anna Salai, Chennai 600 018
2. The District Election Officer (Cooperative Societies)
Cuddalore District
3. The Election Officer
E.2578, Thiruvandhipuram Primary
Agricultural Cooperative Society
Cuddalore District

+1cc to Mr.R.GIRIRAJAN, Advocate, S.R.No.37977

+1cc to Mr.L.P.SHANMUGASUNDARAM, Advocate, S.R.No. 37186

W.P.No.13998 of 2018

TR(03/07/2018)



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