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.14036 of 2018

Mr.P.Muthu .. Petitioner

-vs-

1. The Tamilnadu State Cooperative
   Election Commission
   rep.by its Commissioner
   Kamadenu Super Market I Floor
   No.273, Anna Salai
   Chennai 600 018

2. The Registrar of Cooperative Societies
   No.170, Periyar EVR Salai
   Kilpauk
   Chennai 600 010

3. The District Election Officer
   Cooperative Societies
   Namakkal District

4. M.S.Chandrasekaran
   Election Officer
   S.1223, Chandrasekarapuram Primary
   Agricultural Cooperative and Credit Society
   Chandrasekarapuram 637 401
   Rasipuram Taluk
   Namakkal District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to publish the list of eligible candidates and rejected candidates first and then conduct poll for S.1223, Chandrasekarapuram Primary Agricultural Cooperative and Credit Society Limited.

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For Petitioner :: Mr.J.Srinivasa Mohan

For Respondents :: Mr.M.S.Palanisamy
Standing Counsel for R1
Mr.L.P.Shanmughasundaram
Special Government Pleader
for R2 to 4

ORDER

The petitioner, claiming to be a member of S.1223, Chandrasekarapuram Primary Agricultural Cooperative and Credit Society Limited, Rasipuram Taluk, Namakkal District, has filed his nomination for election to the Board of Directors on 9.4.2018. The learned counsel for the petitioner submitted that the said nomination was also received by the fourth respondent with due acknowledgment. Apart from the nomination of the petitioner, 39 other nominations were also filed on the said date. But surprisingly, the parties were not allowed to examine the nomination papers of all the candidates. Now the respondents have not shown who are the eligible candidates and which are the nomination papers liable to be rejected. When the notification published on 22.4.2018 indicates the dates for scrutiny of nomination on 23.4.2018, publication of the list of eligible candidates on 23.4.2018, withdrawal of nomination on 24.4.2018, publication of the list of finalised candidates on 24.4.2018 and the holding of election on 27.4.2018, even after expiry of the said date, they have not published the list of eligible candidates. Therefore, a representation was given by the petitioner to publish the list of eligible candidates and also the list of rejected candidates first and then to conduct the election for the S.1223, Chandrasekarapuram Primary Agricultural Cooperative and Credit Society Limited. But the same has not been looked into. Hence the petitioner has been advised to come to this Court.

2. The learned Special Government Pleader for the respondents 2 to 4 fairly submitted that the request of the petitioner will be complied with by publishing the list of eligible candidates and also the rejected candidates, if any, within three days time.

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3. As mentioned above, when the election notification specified the dates for scrutiny of nomination on 23.4.2018, publication of the list of eligible candidates on 23.4.2018, withdrawal of nomination on 24.4.2018, publication of the list of finalised candidates on 24.4.2018 and the holding of election on 27.4.2018, it is not known why the respondents have not conducted the elections to the S.1223, Chandrasekarapuram Primary Agricultural Cooperative and Credit Society Limited,

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when the Hon'ble Apex Court has directed not to declare the results only. While so, the third respondent should have published the list of eligible candidates and also the ineligible candidates. As this has not been done, the third respondent is hereby directed to do the said exercise within three days from the date of receipt of a copy of this order and thereafter proceed to hold a free and fair election to the S.1223, Chandrasekarapuram Primary Agricultural Cooperative and Credit Society Limited. With this direction, the writ petition stands disposed of accordingly. Consequently, W.M.P.No.16588 of 2018 is closed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
   Tamilnadu State Cooperative
   Election Commission
   Kamadenu Super Market I Floor
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   Chennai 600 018

2. The Registrar of Cooperative Societies
   No.170, Periyar EVR Salai
   Kilpauk
   Chennai 600 010

3. The District Election Officer
   Cooperative Societies
   Namakkal District

+1cc to Mr.J.SRINIVASA MOHAN, Advocate, S.R.No.36455
+1cc to Mr.L.P.SHANMUGHASUNDARAM, Advocate, S.R.No.37182
(14.06.2018)

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