

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14123 of 2018

R.Karunanidhi

... Petitioner

-vs-

1. Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor
Anna Salai
Chennai 600 018
 2. District Election Officer (Cooperative Societies)
Tiruvavur District
 3. Election Officer
T.1200, Thalikoottai Primary
Agricultural Cooperative Credit Society
Thalikoottai, Mannargudi Taluk
Tiruvavur 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

The petitioner has come to this Court seeking issuance of a writ of 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 the first respondent announced the elections to all the cooperative societies in the State of Tamil Nadu fixing various dates for filing of nominations, scrutiny of nominations, withdrawal of nominations, holding of elections and the declaration of results, till date, the results have not been declared. Since various irregularities have taken place from the date of receipt of the nominations, the petitioner and others have also given various representations to the Election Commission and also the Election Officer to conduct free and fair elections strictly adhering to the rules, regulations. But there was no response. Finally the respondents 2 & 3 are going to declare the results. Therefore, the petitioner is constrained to approach this Court seeking the aforementioned prayer.

3. Heard the learned standing counsel for the first respondent and the learned Special Government Pleader for the respondents 2 & 3.

4. In view of the order passed by the Hon'ble Apex Court on 7.5.2018, entertaining the Special Leave Petition filed against the order of status quo granted by the Madurai Bench of this Court, holding that the declaration of results shall not be made till the matter is decided finally with a further direction to the High Court not to interfere with the election process, this writ petition is dismissed. If the petitioner is aggrieved, he can question the correctness of the declaration of results in the manner known to law by approaching the Election Tribunal. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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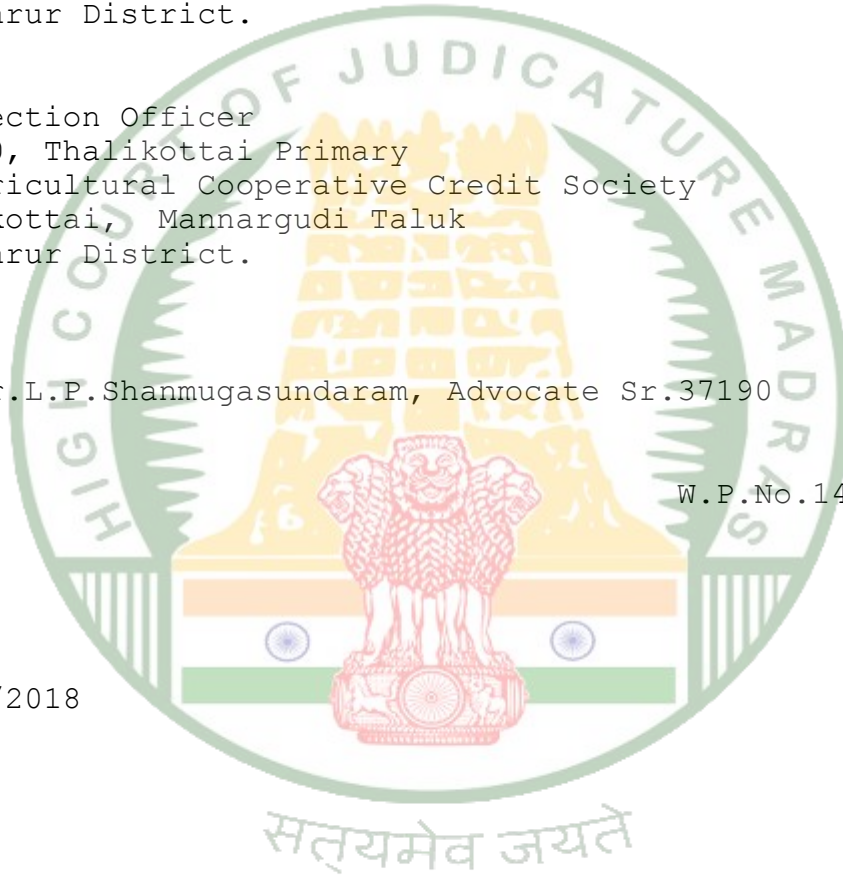
To

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)
Tiruvarur District.
3. The Election Officer
T.1200, Thalikottai Primary
Agricultural Cooperative Credit Society
Thalikottai, Mannargudi Taluk
Tiruvarur District.

+lcc to Mr.L.P.Shanmugasundaram, Advocate Sr.37190

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srg 21/06/2018



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