

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 24287 of 2018

and

W.M.P. 28300 of 2018

M.Govindan

... Petitioner

Vs

1. The Registrar of Cooperative Societies,
No.170, EVR Road,
Dr. Radhakrishnan Road,
Razaak Garden,
SBI Officers Colony, Arumbakkam,
Chennai-600 106.
2. The Deputy Registrar,
Tamil Nadu Milk Development
Department, Poigai,
Vellore, Vellore Dt.
3. The Branch Manager,
Vellore Central Cooperative Bank Ltd.,
Walajabad Branch,
Walaja Taluk, Vellore Dt.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 27.08.2018, further direct the 2nd respondent to give written instruction to the 3rd respondent with regard to election of petitioner as President of TPD 534, Kattrambakkam Cooperative Milk Producers Society, Kattrambakkam village, Walaja Taluk, Vellore and permit the petitioner along with Secretary of the said society to operate the existing bank account of society under 3rd respondent.

For Petitioner : Mr.A.Gouthaman

For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader

O R D E R

This writ petition has been filed seeking for a direction to the 2nd respondent to consider the petitioner's representation.

2. The grievance of the petitioner is that the petitioner was elected as a President in the Board of Directors of the TPD 534, Kattarambakkam Cooperative Milk Producers Society. According to the petitioner, the election to the office-bearers of the above said society was conducted on 06.08.2018, in which the petitioner was elected as a President and Mr.Panchatcharam was elected as Vice-President. Subsequently, the above election was also approved and they have taken charge and resolutions were also passed to that effect. But, the respondents 1 and 2 are not recognising his election. In the said circumstances, the petitioner has sent a representation to approve their election, so far, it was not considered. Hence, the present Writ Petition has been filed by the petitioner.

3. The 2nd respondent, Deputy Registrar has filed a counter affidavit stating that, the election to the Board of Directors was held on 03.04.2018. Subsequently, election to the office-bearers was held, in which one Saraswathi was elected as President, and one Baskaran was elected as Vice-President. Thereafter, the petitioner and the secretary of the 2nd respondent society, one Mr.Srinivasan have approached the Election Officer on 27.04.2018 and compelled him to declare the petitioner as a President and Mr.Panchatcharam as a Vice-President of the society and also threatened the Election Officer. Considering the above request, the election officer has issued a declaration declaring the petitioner as the President of the Cooperative Society and Mr.Panchatcharam as Vice-President of the society. In fact, one Saraswathi only elected as a President and Mr.Baskaran was elected as Vice-President. Subsequently, a police complaint was also given before the Superintendent of Police, Vellore District.

4. Mr.A.Gouthaman, learned counsel appearing for the petitioner submitted that only the petitioner was elected as President and subsequently, the Board meeting was also convened and suitable resolutions was also passed. But, it was disputed by Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondents and submitted that only Saraswathi

was elected as a President and one Mr.Baskaran was duly elected as a Vice-President.

5. I have considered the submissions made by both the counsels appearing for the petitioner as well as the respondents and perused the materials available on record.

6. A perusal of records, it could be seen that there are two resolutions available in the minutes book stating that the petitioner is elected as a President and one Panchatcharam was elected as a Vice-President and anotehr resolution stating that one Saraswathi and Baskaran were elected.

7. In the above circumstances, I am of the view that the matter should be necessarily enquired thoroughly by the election Commissioner, and the subject matter has been referred to the State Election Commission to conduct enquiry after issuing notice to the petitioner as well as to the said Saraswathy and Mr. Baskaran, who were also claimed to be elected as President and Vice-President respectively, and pass suitable orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of the copy of this order.

8. In the result, this Writ Petition is disposed of with the above direction. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Registrar of Cooperative Societies,
No.170, EVR Road,
Dr. Radhakrishnan Road,
Razaak Garden,
SBI Officers Colony, Arumbakkam,
Chennai-600 106.

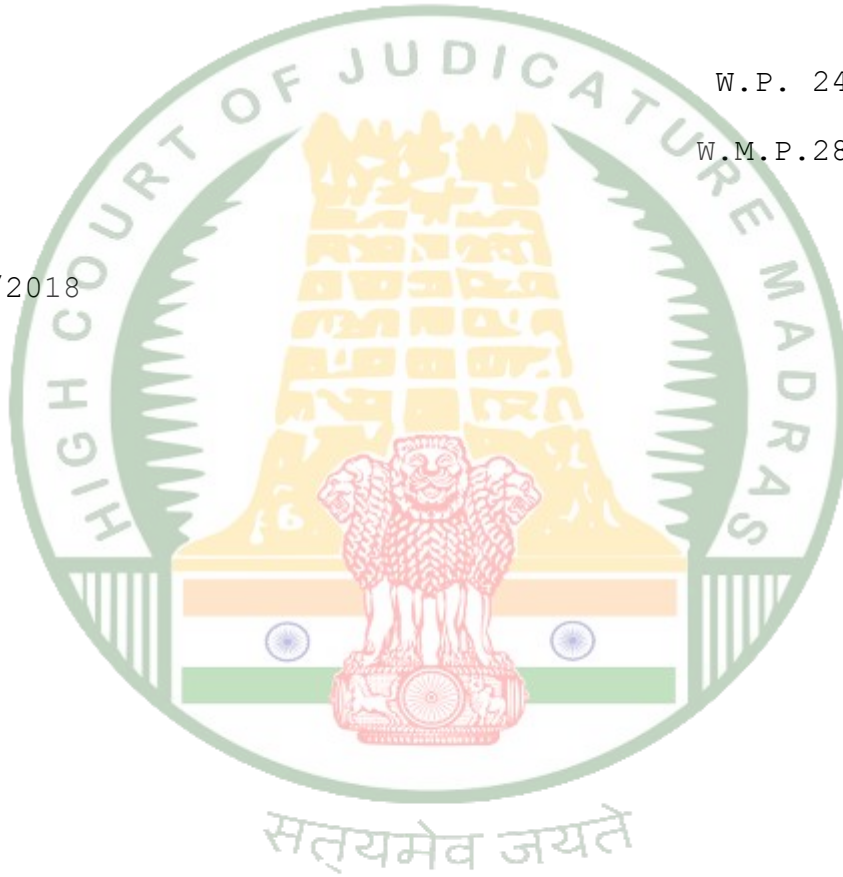
2. The Deputy Registrar,
Tamil Nadu Milk Development
Department, Poigai,
Vellore, Vellore Dt.

3. The Branch Manager,
Vellore Central Cooperative Bank Ltd.,
Walajabad Branch,
Walaja Taluk, Vellore Dt.

+1cc to Mr.A.Gouthaman, Advocate SR.NO.75465
+1cc to the Government Pleader SR.NO.75311
+1cc to M/S.L.P.Shamugasundaram, Advocate SR.NO.75040

W.P. 24287 of 2018
and
W.M.P.28300 of 2018

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