

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.10.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. 24477 of 2018

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... Petitioner

-Versus-

1. The Election Commissioner,
Office of the Tamil Nadu Cooperative
Societies, Election Commissioner,
No.273, Kamathenu Super Market,
Anna Salai, Chennai-600 018.
2. Deputy Registrar (Dairy Development) and
District Election Officer,
Villupuram, Villupuram District.
3. Mr.Anbarasan,
Election Officer,
VRPD 341 Thirumalrayapuram
Women Milk Manufacturers Cooperative
Societies Ltd., Madha Koil Street,
Dutt Nagar, Ariyalur Post,
Villupuram District.

... Respondents

PRAYER: Writ 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 10.09.2018 for approving the election for VRPD 341, Thirumal Royapuram Women Milk Producers Cooperative Society, Othiyathur Post, Thirukkivilur Taluk, Villupuram District conducted by the 3rd respondent and sanctioning the arrears of Milk Bill amount for the period from 11.07.2018 to till date immediately.

For Petitioner : Mr.P.L.Vendan

For Respondents : Mr.M.S.Palaniswamy,
Standing Counsel for R-1

Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R-2

No appearance for R-3

ORDER

This writ petition has been filed seeking a direction to the 2nd respondent to consider the petitioner's representation dated 10.09.2018 for approving the election of the 3rd respondent society and also sanction the arrears of bill amount.

2. The grievance of the petitioner is that, the election to the Board of Directors of the 3rd respondent society was conducted earlier and the petitioner was elected as one of Board of Directors. Subsequently, the election to the office-bearers was also held. But, even after the declaration of election, the 3rd respondent society is not functioning. By virtue of the same, the amount payable to the members were not paid. Hence, he has made a representation dated 10.09.2018 to the 2nd respondent. But, no order has been passed on the petitioner's representation. Hence, the present Writ Petition has been filed by the petitioner.

3. Earlier, when the matter came up for hearing, the learned counsel appearing for the respondents submitted that, as per the society records, it could be seen that two elections to the office-bearers was conducted. In one election, Ms.Porkalai was elected as President and Ms.Amutha was elected as Vice-President. Subsequently, as per the minutes of the society, it seems that one Kamatchi was elected as a President and Ms.Kala was elected as Vice-President.

4. It is also submitted by the learned counsel appearing for the respondents that earlier, one Anbarasan was appointed as Election Officer and he has received nominations for the election to the Board of the Directors. Subsequently, on request, he was relieved from the post of Election Officer, on 31.03.2018, and one Kamala was appointed as Election Officer on 01.04.2018, and the said Kamala has conducted the election to the Board of Directors. Thereafter, she has also conducted the election to the office-bearers on 06.08.2018, and declared one Porkalai as President and one Amutha as Vice-President.

Thereafter, with the connivance of one Tamilselvi, who was working in the society as a Secretary has manipulated the records and declared one Kamatchi as President and one Kala as Vice-President.

5. In view of the above dispute, earlier, this Court directed the Deputy Milk Commissioner, to conduct an enquiry, and file the report. In pursuant to the same, he has conducted the enquiry, and filed the report dated 24.10.2018, wherein he has stated that only Porkalai was duly elected as President and Amutha was declared elected as Vice-President by the Election Officer on 06.08.2018. Thereafter, some manipulation has been taken place in the society records with the connivance of the Secretary one Tamilselvi. Today, when the matter was taken up for hearing, Mr.L.P.Shanmugasundaram, learned counsel appearing for the 2nd respondent, on instructions, submitted that a disciplinary proceedings has already been initiated against the Secretary and she was also suspended from service. It is further submitted that now the Board is effectively functioning under the head of Porkalai as President and Amutha as Vice-President, and the arrears of amount payable to the milk producers has also been disbursed from the society.

6. Considering the above circumstances, as already the Board is effectively functioning, and the payment is also now made to the members, no further order is required in the present Writ Petition. Hence, this Writ Petition is closed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Election Commissioner,
Office of the Tamil Nadu Cooperative
Societies Election Commissioner,
No.273, Kamathenu Super Market,
Anna Salai, Chennai-600 018.

2. Deputy Registrar (Dairy Development) and
District Election Officer,
Villupuram, Villupuram District.

+1 CC to Mr.L.P.Shanmugasundaram, Advocate sr 74054.
+1 CC to The Govt. Pleader sr 74884.
+1 CC to Mr.P.L.Vendan, Advocate sr 73960.

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VD(CO)
SP(17/12/2018)



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