

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

WRIT PETITION NO.14536 OF 2018
AND
W.M.P.NOS.17158 AND 17159 OF 2018

Mr. P. Kannan

...Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
No.273, Anna Salai,
Chennai - 600 018.
2. The Registrar of Co-operative Societies,
Kilpauk, Chennai - 600 010.
3. The Election Officer,
The Deputy Registrar (Housing)
Coimbatore Circle, Coimbatore District.
4. The Secretary,
K. 2177, Lakshmipuram Co-operative Building Society Limited,
No.9, G.K.D. Nagar, Pappanaickenpalayam,
Coimbatore - 641 037.
5. The District Collector,
Coimbatore, Coimbatore District.
6. K.Santhalakshmi
7. C.Vijaya
8. Jannathul Pirthanks
9. V.Mani
10. C.V.Vadivel
11. L.Rajendiran
12. S.Ramasamy
13. K.Narayanan
14. P.Pazhanisami
15. G.Samusudeen
16. D.Krishnaprasath

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records made in the impugned order, dated 28.03.2018 passed

by the third respondent and to quash the same and to consider the petitioner's representation letter dated 11.06.2018 for a direction to the respondents to ensure free and fair election to the Board of Directors of the fourth respondent Society, such as, availability of nomination of forms for all the eligible and deserving candidates, scrutiny of the nomination forms, police protection, voting by eligible and deserving members with proper identification and videography of the entire election process and consequently, to appoint an Election Observer in the place of or in addition to returning officer for the ensuing election for the K.2177, Lakshmipuram Co-operative Building Society Limited and to conduct the election in a fair and proper manner and in accordance with law.

For Petitioner : Mr.A. Saranraj

For Respondent-1 : Mr.M.S.Palanisamy
Standing Counsel

For Respondents 2 to 5 : Mr.L.P.Shanmuga Sundaram
Special Government Pleader

O R D E R

Heard Mr.A. Saranraj, the learned counsel appearing for the petitioner and Mr.M.S.Palanisamy the learned Standing Counsel accepting notice on behalf of the respondents. Since the Writ Petition is taken up for disposal at the admission stage and considering the nature of relief to be granted, notice to the private respondents shall be dispensed with.

2. This Writ Petition has been filed by the petitioner seeking to quash the impugned proceeding passed by the third respondent, dated 28.03.2018 and for a consequential direction to the respondents to consider the representation of the petitioner dated 11.06.2018, to ensure free and fair election to the post of the Board of Directors of the fourth respondent/Society.

3. The learned Standing Counsel appearing for the first respondent/Tamil Nadu Co-operative Societies Election Commission submits that the present Writ Petition has become infructuous, inasmuch as, the petitioner has come to this Court belatedly. It is his further submission that after final list was released on 28.03.2018, election to the post of Board of Directors was already held on 02.04.2018 and once again, the election to the posts of Office Bearers, viz., President and Vice President was

held on 07.04.2018, the petitioner cannot maintain the present Writ Petition and if at all the petitioner is has to challenge the same, it should be by way of approaching the Election Tribunal under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. In view of such submission, nothing survives in this Writ Petition for adjudication. Accordingly, this Writ Petition stands dismissed. However, liberty is given to the petitioner to workout his remedy in the manner known to law. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
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No.9, G.K.D. Nagar, Pappanaikenpalayam,
Coimbatore - 641 037.
5. The District Collector,
Coimbatore, Coimbatore District.

+1cc to Mr.L.P.Shanmuga Sundaram, Advocate, S.R.No.38166
+1cc to Mr.A. Saranraj, Advocate, S.R.No.37807
+1cc to the Government Pleader, S.R.No.38262

Writ Petition No.14536 of 2018

SSI (CO)
CS/19/07/18