

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15003 of 2018

K.Amulu

.. Petitioner

-vs-

1. The Election Commissioner
Tamil Nadu State Co-operative Societies
Election Commission
No.273, Kamadenu Super Market
1st Floor, Anna Salai
Chennai 600 018

2. The Election Officer
V.L.Special 128 Thalangai Primary
Agricultural Co-operative Bank
No.37, Small Street
Thalangai Village & Post
Walaja Taluk, Vellore District

3. The Secretary
V.L.Special 128 Thalangai Primary
Agricultural Co-operative Bank
No.37, Small Street
Thalangai Village & Post
Walaja Taluk, Vellore District

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the first respondent vide his proceedings in Na.Ka.No.1008/2018/KO Tha 2 dated 05.06.2018 and quash the same by declaring the entire undemocratic Cooperative Societies election 2018 insofar as the third respondent society as illegal and unconstitutional, as it was done without following mandates of law consequentially direct the first respondent to issue fresh Election Notification for the third respondent society in order to ensure free and fair election.

For Petitioner	::	Mr.E.Vijay Anand
For Respondents	::	Mr.M.S.Palanisamy
		Standing Counsel for R1
		Mr.L.P.Shanmughasundaram
		Special Government Pleader
		for R2 & 3

ORDER

The petitioner seeks for issuance of a writ of certiorarified mandamus calling for the records of the first respondent vide his proceedings in Na.Ka.No.1008/2018/KO Tha 2 dated 05.06.2018, quash the same by declaring the entire undemocratic Cooperative Societies election 2018 insofar as the third respondent society is concerned as illegal and unconstitutional, as it was done without following mandates of law, with a consequential direction to the first respondent to issue fresh Election Notification for the third respondent society in order to ensure free and fair election.

2. Learned counsel for the petitioner submitted that after the election notification was issued fixing various dates for filing of nominations, scrutiny, withdrawal of nominations, releasing of final list etc., the respondents have not conducted the elections freely and fairly, as they have declared some of the candidates as the elected Directors on 28.3.2018 and some of the candidates as the elected office bearers on 7.4.2018. Since various malpractices have taken place, indicating the same, a detailed representation was given to the first respondent. But, ignoring the same, the impugned order has been passed. When the purpose for which the elections held to the cooperative societies is going to be defeated, the impugned order needs interference by this Court, he pleaded.

3. Mr.M.S.Palanisamy, learned standing counsel for the first respondent submitted that the prayer in the writ petition has become infructuous, as the petitioner has to work out her remedy by filing an election petition under Section 90 of the Tamil Nadu Cooperative Societies Act within sixty days from the date of declaration of the results to the post of Director on 28.3.2018 and to the post of office bearer on 7.4.2018 respectively in the third respondent society.

4. I also find merits in the submission made by the learned standing counsel for the first respondent. As the elections to the posts of Director and office bearers in the third respondent society have already been over on 28.3.2018 and 7.4.2018 respectively, the only remedy available to the petitioner is to approach the election tribunal under Section 90 of the Tamil Nadu Cooperative Societies Act. Hence, this writ petition is dismissed to avail the remedy before the election tribunal. Consequently, W.M.P.Nos.17759 & 17760 of 2018 are also dismissed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

ss

To

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+lcc to Mr.E.Vijay Anand, Advocate SR.No.38371

W.P.No.15003 of 2018

GN(03/07/2018)



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