

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 25017 of 2018

R.Gunaseelan

... Petitioner

Vs

1. The State Election Commissioner,
Cooperative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road,
Subburaya Nagar, Teynampet,
Anna Salai, Chennai-600 018.
2. The Deputy Registrar of Cooperative
Societies, Pollachi Circle,
Pollachi, Coimbatore District.
3. K.N.Balakrishnan,
S/o. Nataraj Chettiar,
No.2/19, Theair Street,
Kottur, Pollachi Taluk,
Coimbatore District.
4. S.Kulandaivadivel,
S/o. Subbu Chettiar,
No.7/6, Balamurugan Koil Street,
K.Malaiyandipattinam,
Pollachi Taluk, Coimbatore Dt.
5. M.Mahalisamy,
S/o. Maran,
Ariyapuram Street,
Indira Nagar, Kottur,
Pollachi Taluk, Coimbatore District.
6. C.Manivel,
S/o. Chinnasamy,
Madurai Veeran Koil Near,
K.Malaiyandipattinam,
Pollachi Taluk,
Coimbatore District.
7. G.Kalasaraswathi,
W/o. M.M.Giridharan,
Perumal Koil Near,
Kottur, Pollachi Taluk,
Coimbatore District.

8. M.Bakkiyalakshmi,
W/o. Murugesan,
Sugappa Chettiar Street,
K.Malaiyandipattinam,
Pollachi Taluk, Coimbatore District.

9. S.Kalaiarasi,
W/o. Subramaniam,
Atrupura Colony,
Aliyar Nagar, Pollachi Taluk,
Coimbatore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue appropriate Writs, orders or Directions and in particular issue a Writ of Mandamus, directing the 2nd respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 05.09.2018 within a stipulated time as this Hon'ble Court fixes.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.L.P.Shanmugasundaram,
Special Government Pleader
for R1 and R2
: Mr.K.Premkumar
for R3, R5, R8 & R9

O R D E R

This writ petition has been filed seeking for a direction to the respondent to consider the petitioner's representation and pass orders.

2. According to the petitioner, against the respondents 3 to 9, the proceedings under Sec.87 of the Tamil Nadu Cooperative Societies Act has been initiated and the same is pending against them. In view of the same, the respondents 3 to 9 are not qualified to contest in the election of K.217, Kottur Town Cooperative Credit Society Ltd. under Sec.36 of Tamil Nadu Cooperative Societies Act (hereinafter called as 'Act'). In the said circumstances, the petitioner has sent a representation to the 2nd respondent, but it was not considered. Hence, the present Writ Petition has been filed.

3. Mr.K.Premkumar, learned counsel appearing for the respondents 3, 5, 8 and 9 submitted that on the date of filing the nomination, there was no proceedings pending against the respondents 3 to 9 and only after the election,

notice under Sec.87(1) of the Act has been issued against the respondents 3 to 9 and the enquiry is pending.

4. In the said circumstances, the question is to be decided whether the respondents 3 to 9 are qualified or not. On considering the fact that the representation of the petitioner is pending with the 2nd respondent, I am of the view that it is suffice to direct the 2nd respondent to consider the petitioner's representation and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioner as well as the respondents 3 to 9 within a period of six weeks from the date of receipt of the copy of this order.

5. In the result, this Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(Ccc)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The State Election Commissioner,
Cooperative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road,
Subburaya Nagar, Teynampet,
Anna Salai, Chennai-600 018.

2. The Deputy Registrar of Cooperative
Societies, Pollachi Circle,
Pollachi, Coimbatore District.

+1cc to Mr.K.Premkumar , Advocate SR.No. 74669
+1 CC TO GOVERNMENT PLEADER SR.NO. 75313
+1cc to Mr.C.Prakasam, Advocate SR.No. 75037
+1cc to Mr.L.P.Shanmugasundaram , Advocate SR.No. 75080

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ASK(01/11/2018)