

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15781 of 2018

A.Boominathan

.. Petitioner

-vs-

1. The Election Commissioner
Tamil Nadu Co-operative Societies
Election Commission
Kamadenu Co-op. Super Market Building
273, Scheme Road, Teynampet
Chennai
 2. The District Election Officer/Deputy Registrar
of Cooperative Societies
Paramakudi Circle
Paramakudi
Ramanathapuram District
 3. The Returning Officer (Election) /
the Secretary
Pudukottai Primary Agricultural
Cooperative Credit Society
Kamuthi Taluk
Ramanathapuram District
 4. RP5, Kovilankulam Primary Agricultural
Cooperative Credit Society
represented by its Secretary
Kamuthi Taluk
Ramanathapuram District
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the Respondent Nos.1 & 2 to consider the representations made by the petitioner dated 02.05.2018 and 11.05.2018 and conduct fresh elections to the Respondent No.4 Society in a fair, impartial and transparent manner by appointing a new competent election officer within a time frame as may be fixed by this Hon'ble Court.

For Petitioner :: No appearance

For Respondents :: Mr.M.S.Palanisamy
 Standing Counsel for R1
 Mr.L.P.Shanmughasundaram
 Special Government Pleader
 for R2 to 4

ORDER

The petitioner, claiming to be the permanent resident of Kathanenthal village and a member of the fourth respondent society and thus became eligible for voting and contesting, has come to this Court seeking a mandamus directing the Respondent Nos.1 & 2 to consider his representations dated 02.05.2018 and 11.05.2018, wherein he has requested to conduct fresh elections to the fourth respondent Society in a fair, impartial and transparent manner.

2. Mr.M.S.Palanisamy, learned standing counsel for the first respondent and Mr.L.P.Shanmughasundaram, learned Special Government Pleader for the respondents 2 to 4, referring to paragraph-16 of the affidavit filed by the petitioner admitting the fact that the election was already over on 7.5.2018, submitted that after the election was held on 7.5.2018, the petitioner has to ventilate his grievance by approaching the Election Tribunal under Section 90 of the Tamil Nadu Cooperative Societies Act within sixty days from the date of declaration of the results of the election to the fourth respondent society.

3. I also find merits in their submissions. When the petitioner himself has admitted in paragraph-16 of the affidavit that the elections to the fourth respondent society have already been over on 7.5.2018, whether it was held in a free and fair manner or not, has to be gone into only by the one competent authority, namely, 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.No.18762 of 2018 is also dismissed. No costs.

sd/-

Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

ss

To

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W.P.No.15781 of 2018

NA (CO)
GN(11/07/2018)

सत्यमेव जयते

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