

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.15874 of 2018

Palanisamy

Son of Devanna Gounder

.. Petitioner

-vs-

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

2. District Election Officer
Deputy Registrar of Cooperative Societies
Dharapuram
Tiruppur District

3. Election Officer/Superintendent
T.P.SPL.29, Sivanmalai Primary
Agricultural Cooperative Credit Society
Sivanmalai, Kangayam Taluk
Tiruppur District

... Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the first
respondent to take cognizance of petitioner's complaint dated
24.04.2018 and dispose of the same in accordance with law within
a time frame as fixed by this Hon'ble Court.

For Petitioner

:: Mr.M.R.Thangavel

For Respondents

:: Mr.M.S.Palanisamy
Standing Counsel for R1
Mr.L.P.Shanmugasundaram
Special Government Pleader
for R2 & 3

ORDER

This writ petition has been filed seeking a mandamus directing the State Election Commissioner for Cooperative Societies, Chennai, the first respondent herein to take cognizance of the petitioner's complaint dated 24.4.2018 and dispose of the same in accordance with law.

2. Learned counsel for the petitioner submitted that pursuant to the election notification issued by the respondents fixing various dates for the conduct of free and fair election to the third respondent society, the petitioner submitted his nomination paper and the same was rejected without assigning any reason. As the petitioner is entitled to know the reason for rejection of his nomination paper, he has given a complaint. Although the District Election Officer has recommended for cancellation of the election citing inter alia that some of the candidates whose nomination papers were rejected have created law and order problem, throwing a challenge and threat to the Election Officer that he would face dire consequences for rejecting their nominations, the said proposal is pending on the file of the first respondent.

3. The learned Special Government Pleader for the respondents 2 & 3 also placed before this Court the communication dated 25.4.2018 bearing Na.Ka.612/2018/Election issued by the second respondent recommending the cancellation of the election, as it is not possible to hold a free and fair election in view of the aforementioned untoward incident that took place in the third respondent society.

4. As no criminal case has been lodged against the petitioner, he is also entitled to know the reason for rejection of his nomination paper and if it is for any other frivolous or unacceptable ground, he is entitled to challenge the same so that he can contest in the future election. Therefore, considering the grievance espoused by the petitioner, the third respondent is hereby directed to consider the representation of the petitioner and dispose of the same assigning the reason for rejection of his nomination paper, within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS IX)

//True copy//

Sub Assistant Registrar

ss

To

1. The Commissioner
Tamil Nadu State Co-operative Societies
Election Commission
Kamadhenu Super Market Building
No.273, Scheme Road, Subburaya Nagar
Teynampet, Anna Salai
Chennai 600 018
2. The District Election Officer
Deputy Registrar of Cooperative Societies
Dharapuram
Tiruppur District
3. The Election Officer/Superintendent
T.P.SPL.29, Sivanmalai Primary
Agricultural Cooperative Credit Society
Sivanmalai, Kangayam Taluk
Tiruppur District

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.41987

+1cc to Mr.C.Anbu, Advocate SR.No.41653

W.P.No.15874 of 2018

GN(10/07/2018)



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