

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2018

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.15958 of 2018

and W.M.P.Nos.19827 & 24481 of 2018

P.Muthu

.. Petitioner

vs

- 1 The Tamilnadu State Cooperative Election Commission,
Rep.by its Commissioner,
Kamadenu Super Market I Floor,
No.273, Anna Salai, Chennai-600 018.
- 2 The Registrar of Co-operative Societies,
No.170, Periyar E.V.R.Salai,
Kilpauk, Chennai-10.
- 3 The District Election Officer,
Co-operative Societies,
Namakkal District.
- 4 M.S.Chandrasekaran,
Election Officer,
S-1223, Chandrasekarapuram Primary
Agricultural Co-operative and Credit Society,
Chandrasekarapuram-637 401,
Rasipuram Taluk, Namakkal District.
- 5 R.Thiyagarajan
- 6 K.Suresh Kumar

[R5 & R6 are impleaded as per order of this
Court dated 13.08.2018 in W.M.P.No.24481/18
in W.P.No.15958 of 2018] .. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Declaration declaring the action of the 3rd respondent vide
notification dated 18.06.2018, in rejecting the candidature
of the petitioner and 21 other candidates enbloc, to
facilitate the 11 candidates of the ruling party to get
elected unopposed, to the 11 available posts, to S-1223,

Chandrasedkarapuram Primary Agricultural Co-operative and Credit Society, Chandrasekarapuram, malafide, illegal, arbitrary and non-est and consequently cancel the election process to S-1223, Chandrasekarapuram Primary Agricultural Co-operative and Credit Society, Chandrasekarapuram.

For Petitioner : Mr.J.Srinivasa Mohan
For Respondent-1 : Mr.M.S.Palanisamy
Standing counsel
For Respondents 2 3 & 4 : Mr.L.P.Shanmugasundaram
Special Government Pleader.

O R D E R

This writ petition has been filed seeking declaration, declaring that the action of the 3rd respondent in rejecting the petitioner's candidature along with 21 other candidates for the post of Board of Directors in the 4th respondent society is malafide, illegal, arbitrary and non-est for consequential direction to cancel the election conducted for the post of Board of Directors of the 4th respondent society.

2. According to the petitioner, pursuant to the election notification issued by the 4th respondent, 39 nominations have been filed for the election to the Board of Directors. After receipt of the nominations, the fourth respondent Election Officer without following due process as contemplated under the Tamil Nadu Co-operative Societies Act and Co-operative Societies Rules, proceeded further. Hence, the petitioner earlier filed a writ petition in W.P.No.10229 of 2018, seeking direction to the respondent to strictly adhere to the requirement under the Act and the Rules and this Court by an order dated 25.04.2018, directed the respondent to follow the procedure as contemplated under law. Thereafter, the election schedule has been revised by the 1st respondent. Since, the 4th respondent did not follow the procedure contemplated under the Rules, the petitioner has filed another writ petition in W.P.No.14036 of 2018 and this Court by an order dated 12.06.2018 disposed of the writ petition directing the 4th respondent to declare the eligible candidates within a period of three days and conduct the election to the Board of Directors. According to the petitioner, thereafter without following due process of law and without passing any orders on the nomination of the petitioner and others, they have declared and published the results of 11 eligible candidates. In the above circumstances, the present writ petition has been filed.

3 Mr.S.Palanisamy, learned standing counsel appearing for the first respondent submits that pending writ petition, now the result has been published and 11 persons, were already declared elected as Board of Directors.

4 According to the learned counsel for the petitioner, the petitioner's representation regarding to conduct the proper election to the Board of Directors has been pending and despite the order passed by this Court on two occasions, the 4th respondent without following due process, has mechanically published the result of the 11 Board of Directors, which is totally in violation of orders passed by this Court. Hence, the election is to be declared as null and void.

5 Mr.L.P.Shanmugasundaram, learned Special Government Pleader(Coop) appearing for the fourth respondent would submit that in a batch of writ petitions challenging the various election conducted by the Co-operative Societies and the Division Bench of this Court has constituted a Zonal Committee headed by the retired Judge of this Court and also held that the complaints which has been filed regarding the conduct of the election before the delivery of the judgment dated 03.08.2018 should be referred to the Zonal Committee for consideration. Hence, any complaint filed before the date should be referred to the Zonal Committee.

6 Perusal of the record, it could be seen that the petitioner has sent various representations to the first respondent from 09.04.2018 to 11.04.2018, alleging various misconduct in conduct of election. In the said circumstances, the complaints should be referred to the Zonal committee constituted as per the order passed by the Division Bench of this Court and the grievance of the petitioner could not be redressed in this writ petition.

7 In view of the said circumstances, the first respondent is directed to forward the objections filed by the petitioner to the concerned Zonal Committee. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Commissioner,
Tamilnadu State Cooperative Election Commission,
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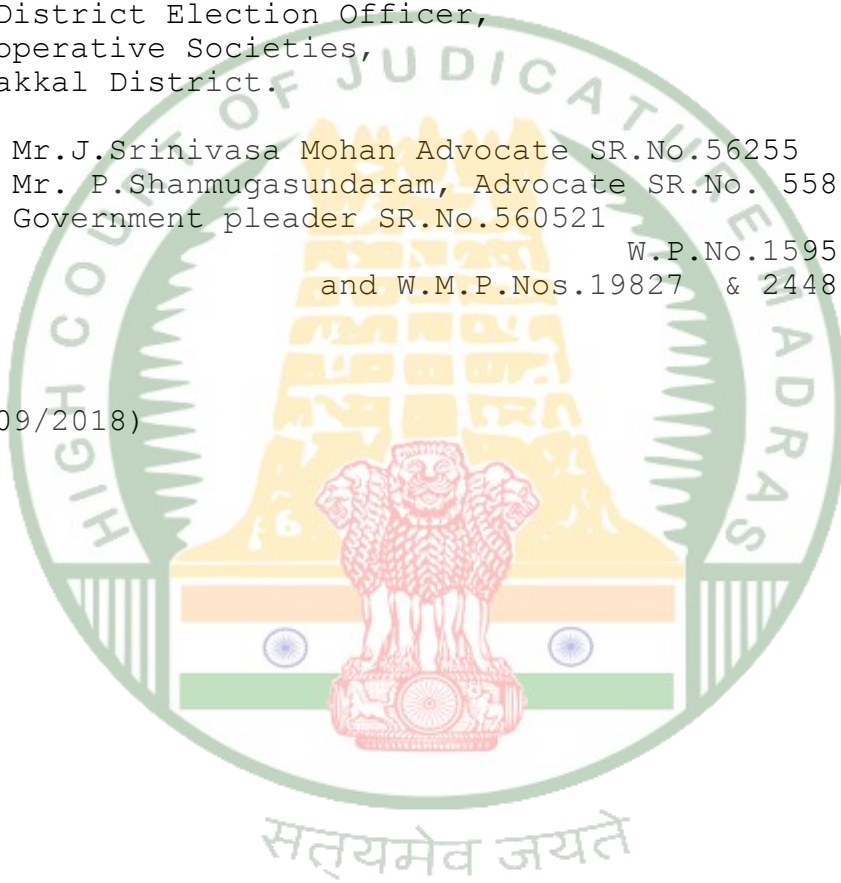
+1cc to Mr.J.Srinivasa Mohan Advocate SR.No.56255

+1cc to Mr. P.Shanmugasundaram, Advocate SR.No. 55809

+1cc to Government pleader SR.No.560521

W.P.No.15958 of 2018
and W.M.P.Nos.19827 & 24481 of 2018

RSI (CO)
ASK(06/09/2018)



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