

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.17309 of 2018

K.Kannan

..Petitioner

-vs-

1.The Co-operative Societies
Election Commissioner,
Tamil Nadu Co-operative Societies
Election Commission,
No.273, Kamadhenu Supermarket,
I Floor, Anna Salai, Chennai-600 018.

2.The Deputy Registrar of
Co-operative Societies/
The District Election Officer,
Dharmapuri.

3.The Election Officer,
TPD 129,Ayyampatti Milk Producers'
Co-operative Society,
Pappireddipatti Taluk,
Dharmapuri District, Tamil Nadu.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to dispose/take action on the petitioner's representation dated 04.05.2018 seeking coercive action in respect of the illegalities committed by the third respondent and to conduct the election in a fair and democratic manner, by affording an opportunity of hearing to the petitioner, within a stipulated time to be fixed by this Court.

For Petitioner :: Mr.Arun Anbumani

For Respondents:: Mr.M.S.Palanisamy,
Standing Counsel for R1

Mr.L.P.Shanmugha Sundaram,
Special Government Pleader
for R2 and R3

ORDER

The petitioner has come to this Court seeking a direction to the first respondent to dispose of his representation dated 04.05.2018.

2.The petitioner is one of the members of the third respondent Society. While so, the first respondent had issued a Notification for conducting elections to the Co-operative Societies in Tamil Nadu. As per the notification, the election was to be held for electing 11 Directors to the Board of the Society. The petitioner had filed his nomination on 30.04.2018 with the third respondent. As per the said notification, the third respondent is required to publish the final list of candidates after scrutinising the nominations received. But the third respondent without assigning any reason has rejected the nomination of the petitioner and several candidates. In this regard, the petitioner sent a representation dated 04.05.2018 to respondents 1 and 2 requesting them to correct the illegalities committed and to conduct the election in a fair and democratic manner. Finding no response, he is before this Court seeking the above said prayer.

3.Learned Special Government Pleader appearing for respondents 2 and 3 would submit that as per the schedule of election, the nomination papers to be filled on 30.04.2018 and scrutiny of the nomination papers to be done on 02.05.2018 and after issuing a final list, the elections were to be held on 07.05.2018.

4.In view of the order of status quo issued by the Division Bench of Madurai High Court and thereafter it was clarified by the Supreme Court that the election process can go on, but the results should not be declared, the first respondent is hereby directed to consider the petitioner's representation, on merits and in accordance with law, as the election has not been held till date.

5.Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vga

To

1.The Co-operative Societies
Election Commissioner,
Tamil Nadu Co-operative Societies
Election Commission,
No.273, Kamadhenu Supermarket,
I Floor, Anna Salai, Chennai-600 018.

2.The Deputy Registrar of
Co-operative Societies/
The District Election Officer,
Dharmapuri.

3.The Election Officer,
TPD 129,Ayyampatti Milk Producers'
Co-operative Society,
Pappireddipatti Taluk,
Dharmapuri District, Tamil Nadu.

+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.45988
+lcc to Mr.Arun Anubumani, Advocate, S.R.No.45617.

W.P. No.17309 of 2018

CP(CO)
BM 09/08/2018



WEB COPY