

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.26217 of 2018 and
W.M.P.Nos.30447 & 30454 of 2018

- 1.R.Chandran
- 2.B.Devaraj
- 3.P.Devaraj
- 4.S.Jeeva
- 5.G.Madhammal
- 6.S.Arumugam

.... Petitioners

..Vs..

- 1.Mr.Mariyappan
- 2.The Deputy Registrar of Co-operative,
Dharmapuri Region,
Appavoo Colony,
Dharmapuri.
- 3.The Joint Registrar of Co-operative,
Dharmapuri Region,
Dharmapuri.
- 4.The Registrar of Co-operative Societies,
No.179, E.V.R.Periyar Salai,
Kilpauk,
Chennai-600 010.
- 5.The Secretary,
Tamil Nadu State Co-operative
Societies Election Commission,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai,
Chennai-600 018.
- 6.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Co-operative Food and Consumer Protection Department,
Fort St. George,
Chennai-600 009.

7.P.Devaraj

8.G.Mathimalar

9.C.Nagarajan

10.G.Vadivel

11.R.Raja

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to declaration of the Directors result in Form No.22 under rule 52 sub clause 17(c) of the Tamil Nadu Co-operative Societies Rules, 1988 dated 09.04.2018 and declaration of result dated 06.08.2018 for the post of President, on the file of the first respondent and to quash the election of Directors declared on 09.04.2018 consequently quash the election of President declared on 06.08.2018 in S-4211, Kadagathur Primary Agricultural Co-operative Credit Society at Dharmapuri Taluk and District and consequently direct the second respondent for conducting a fresh election in the said society.

For Petitioner : Mr. Kadirvel

For Respondent : Mr.L.P.Shanmugasundaram,
Special Government Pleader,
for R1 to R4 & R6.

: Mr.M.S.Palaniswamy,
Standing Counsel,
for R5.

O R D E R

This writ petition has been filed challenging the election to the office bearers to the second respondent Co-operative Society.

2. Admittedly challenging the very same election, the petitioner has already filed an application under Section 90(1) of Tamil Nadu Co-operative Society Act . Now the same is pending before the second respondent, Deputy Registrar of Co-operative Society, Dharmapuri. In the said circumstances, the petitioner cannot challenge the same before this Court under Act 226 of the Constitution of India. Hence, this writ petition is not maintainable.

3. Accordingly, this Writ Petition is dismissed. However, considering the fact that the election petition is pending before the second respondent, the second respondent is directed to consider the same and pass suitable orders, after giving opportunity to all the interested persons, within a period of three months from the receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp/mbi

To

1. The Deputy Registrar of Co-operative,
Dharmapuri Region,
Appavoo Colony,
Dharmapuri.
- 2.The Joint Registrar of Co-operative,
Dharmapuri Region,
Dharmapuri.
- 3.The Registrar of Co-operative Societies,
No.179, E.V.R.Periyar Salai,
Kilpauk, Chennai-600 010.
- 4.The Secretary,
Tamil Nadu State Co-operative Societies Election Commission,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai,
Chennai-600 018.
- 5.The Principal Secretary,
The Government of Tamil Nadu,
Co-operative Food and Consumer Protection Department,
Fort St. George, Chennai-600 009.

+1cc to Mr.PA.Kadirvel, Advocate, S.R.No.69033
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.69349
+1cc to the Government Pleader, S.R.No.69673

W.P.No.26217 of 2018

SS(CO)
SSM(07/12/2018)