

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN
W.P.No.30488 of 2018

P.Pugalenthii Tatta

... Petitioner

Vs

1. The District Registrar,
Cuddalore District Co-operative Society,
Cuddalore District.

2. The Secretary/Election Officer,
Arcot Lutheran Church Teachers and Employees,
Co-operative Thrift and Credit Society Ltd.,
Nellikuppam, Cuddalore District.

3. The Election Commission,
Tamil Nadu State Co-operative Societies,
rep. by its Secretary,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai, Chennai - 600 018.

4. D.K.Hema

5. M.Jasmine

6. D.Monika Padmini

7. N.Selvam

8. V.J.Manoj Kumar

9. Irish Peters

10.K.Jayalakshmi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner representation dated 09.08.2018.

For Petitioner : Mr. T.Dharani

For Respondents : Mr.L.P.Shanmugasundaram,
Spl. G.P.,
for R1 and R2.

: Mr. M.S.Palaniswamy,
Standing Counsel
for R3

O R D E R

This writ petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 09.08.2018.

2. The grievance of the petitioner is that the election to the second respondent society was conducted in the month of April 2018 and lot of irregularities has been committed in the election process. In such circumstances, he made a representation to the first respondent on 09.08.2018 for conducting enquiry with regard to the irregularities in the above said election.

3. Today, when the matter is taken up for hearing, the learned counsel appearing for the respondents 1 and 2 submitted that election to the post of Board of Directors has been conducted in the month of April and Board of Directors were also elected. Subsequently, election to the Office Bearers was also over in the month of August and now they also assumed office. The Division Bench of this Court in W.P.(MD) Nos.17730/2018 etc batch, dated 03.08.2018 has held that the only remedy available to the petitioner is to challenge the election by filing a petition under Section 90 of the Co-Operative Societies Act.

4. I have heard the learned counsel appearing for the petitioner and the Special Government Pleader appearing for the respondents 1 and 2 and the Standing Counsel appearing for the third respondent and also perused the materials available on record carefully.

5. It is settled law that once the election held and the results are declared, the only remedy available to the petitioner is to file a petition under Section 90 of the Co-Operative Societies Act and cannot maintain the Writ Petition.

6. In the above circumstances, if the petitioner has any grievance over the election, it is always open to the petitioner to challenge the Election by filing appropriate petition under

Section 90 of the Tamil Nadu Co-operative Societies Act as the election has been over. Hence, the prayer sought by the petitioner cannot be granted.

7. In view of the above, the writ petition stands dismissed. However, liberty is granted to the petitioner to file appropriate petition in the manner known to law. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

1.The District Registrar,
Cuddalore District Co Operative Societies,
Cuddalore.

2.The Election Commission,
Tamil Nadu State Co-operative Societies
Election Commission,
No.273, Kamadhenu Super Market, Ist Floor,
Annasalai, Chennai-18.
Chennai - 600 018.

+1cc to L.P.Shanmugasundaram, Advocate, S.R.No.79788

+1cc to T.Dharani, Advocate, S.R.No.79068

+1cc to the Government Pleader, Advocate, S.R.No.79546

W.P.No.30488 of 2018

MG(CO)

rrs 04/02/2019

सत्यमेव जयते
WEB COPY