

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.10.2018

CORAM
THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2370 of 2018
and
C.M.P.No.18785 of 2018

Ganesan

..Appellant/Petitioner

Versus

1. The Commissioner,
Election Commission for Tamilnadu
Cooperative Society,
273 Anna Salai, Teynampet, Chennai.
2. The Deputy Registrar of Cooperative
Societies/District Election Officer,
Perambalur.
3. The Election Officer,
R.1226 Kurumbalur Primary Agricultural
Cooperative Bank, Kurumbalur,
Perambalur District. ..Respondents/Respondents

Prayer: Writ Appeal filed filed under Clause 15 of the Letters
Patent against the order dated 7.9.2018 passed in W.P.No.23465
of 2018 on the file of this court.

W.P.23465/2018:

Petition praying this court under Article 226 of the
Constitution of India, to call for the entire records relating
to the impugned notice dated 03/09/2018 which was issued on
04/09/2018 by the third respondent for electing office bearers
in respect of Rs. 1226, Kurumbalur Primary Agricultural Co-
Operative Bank, Kurumbalur, Prambalur District.

For appellant : Mr.T.Sundaravadanam

For R1 : Mr.M.S.Palanichamy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and
Mr.M.S.Palanichamy, learned counsel, who takes notice on behalf
of the first respondent.

2. It appears that the appellant/writ petitioner is aggrieved against the impugned notice issued by the third respondent regarding election of office bearers for the Co-operative Bank.

3. In para 2 and 3 of the order passed by the learned Single Judge, it has been observed thus:-

"2. The learned counsel appearing for the petitioner submitted that already he has filed a petition under Section 90 of the Tamilnadu Co-operative Societies Act, challenging the election to the Board of Directors before the second respondent and he will be satisfied that the second respondent is directed to consider the petitioner's application and pass suitable orders within a time frame.

3. Considering the limited prayer sought for in the writ petition, the second respondent is directed to consider the petitioner's application dated 01.09.2018 filed under Section 90 of the Tamilnadu Co-operative Societies Act, and pass orders on merit and in accordance with law, within a period of three months from the date of receipt of a copy of this order..."

4. It is now submitted by the learned counsel for the appellant that the Deputy Registrar of Co-operative Societies/District Election Officer, viz., the second respondent takes a stand that no such petition is filed.

5. However, if any such petition is filed, there should be necessary entries in the register maintained in that regard, or else, the appellant is at liberty to file fresh petition forthwith so that the Registrar could take up the matter and expedite it and dispose of the same within one month from the date of receipt of a copy of this judgment. It is further brought to the notice of this court that in the meanwhile, the time limit for filing such petition expires by 7.9.2018. However, it is for the appellant to approach the Deputy Registrar of Co-operative Societies, with a detailed representation and the petition forthwith, if no petition is already filed or could be traced.

6. The writ appeal is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Commissioner,
Election Commission for Tamilnadu
Cooperative Society,
273 Anna Salai, Teynampet, Chennai.
2. The Deputy Registrar of Cooperative
Societies/District Election Officer,
Perambalur.
3. The Election Officer,
R.1226 Kurumbalur Primary Agricultural
Cooperative Bank, Kurumbalur,
Perambalur District.

+1cc to Mr.T.Sundaravadanam, Advocate, S.R.No.73108

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.72903

+1cc to the Government Pleader, S.R.No.73936/18

W.A.No.2370 of 2018

VGI (CO)

rrs 06/12/2018



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