

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.11.2018

CORAM
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.30070 of 2018
and
W.M.P.No.35081 of 2018

P.Kumaravel

... Petitioner

Vs

1. The State rep. by its
Secretary to Government,
Co-operation, Food & Consumer Protection Dept,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission,
No.273, Kamadhenu Super Market,
Chennai - 600 018.
3. The Deputy Registrar Co-operative Societies,
District Election Officer,
Coimbatore - 641 002.
4. P.Selvakumar,
5. Mrs. Bharathi,
6. Jothimani,
7. Saraswathi,
8. Valarmathi,
9. Murugesan,
10. Vimaladevi,
11. Marippan,
12. Palanisamy
13. Sampathkumar
14. Shanmuugasundaram
15. Subramanian

16.Sundaramurthy

17.Palanisamy

18.K.A.Chandrasekaran

19.viswanathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notification dated 07.08.2018 notifying declaration of election result with the names of respondents at 6 to 16 unopposed to the Administrative Committee Board to K-1580, Kunnathur, PACCS Annur Taluk, Coimbatore District - 641 107 by the 4th respondent and to quash the same and call for fresh election in a fair manner and in accordance with the Rule 52 under Chapter IV of the Tamil Nadu Co-operative Societies Act 1983 read with Tamil Nadu Co-operative Societies Rules 1988.

For Petitioners : Mr.A.S.Palanisamy

For Respondents : Mr.L.P.Shanmugasundaram,
Spl. G.P.,for R2 and R3.

O R D E R

This writ petition has been filed challenging the election held to the Board of Directors of the fourth respondent society.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the respondents 2 and 3 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 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 now 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.

3. I have heard the learned counsel appearing for the petitioner and the Special Government Pleader appearing for the respondents 2 and 3 and perused the materials available on record carefully.

4. 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.

5. 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.

6. In view of the above, the writ petition stands dismissed. However, liberty is granted to the petitioner to file appropriate petition challenging the election in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

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Election Commission,
No.273, Kamadhenu Super Market,
Chennai - 600 018.
3. The Deputy Registrar Co-operative Societies,
District Election Officer,
Coimbatore - 641 002.

+lcc to Mr.A.S.Palanisamy, Advocate, S.R.No.78950
+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.78701
+lcc to the Government Pleader, S.R.No.79160

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RRS (30/01/2019)