

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.26941 of 2018
and WMP.No.31308 of 2018

1. P.Balaji
2. A.Bagyaraj
3. N.Muruganandam
4. R.Suseela
5. M.Vetriselvi
6. T.Murugaiyan
7. K.Anbarasi
8. K.Mangayarkarasi

.... Petitioners

Versus

1. Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai,
Chennai - 600 018.
2. District Election Officer (Co-operative Societies),
Tiruvarur District cum Deputy Registrar of
Co-operative societies,
Tiruvarur.
3. Mr.Baskar,
Election Officer,
TV. Spl. 3 Kodavasal Taluk
Agricultural Producers Co-operative Marketing Society
Kodavasal, Tiruvarur District. ... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 3rd Respondent to include the petitioners nominations in the election for the Board of Directors to TV. Spl. 3 Kodavasal Taluk Agricultural Producers Co-operative Marketing Society Kodavasal, Tiruvarur District and conduct election in accordance with Law as notified by the 1st Respondent.

For Petitioners : Mr.P.Wilson, Senior Counsel
for M/s.R.Girirajan

For Respondents : Mr.M.S.Palanisamy , for R1
: Mr.L.P.Shanmugasundaram
Special Government Pleader,
for RR2 & 3

ORDER

The petitioners have filed this petition for issuance of a Writ of Mandamus to direct the 3rd Respondent to include their nominations in the election for the Board of Directors to TV. Spl. 3 Kodavasal Taluk Agricultural Producers Co-operative Marketing Society Kodavasal, Tiruvarur District and conduct election in accordance with law as notified by the 1st Respondent.

2. According to the petitioners, they have filed nominations to contest election for the Board of Directors of the third respondent Society and their nominations have been rejected on the ground that they have not filed the nominations in person and it were filed by a third person and the signatures in the nomination papers were also not genuine.

3. The learned Senior Counsel for the petitioners submitted that the petitioners themselves presented before the Election Officer along with seconder and filed the nominations before the Election Officer and the entire process of the election was videographed as per the order of this Court at the cost of the petitioners.

4. It is further stated that on seeing the videograph, it would clearly show that the petitioners themselves filed the nominations along with seconder, which is disputed by the respondents. Apart from that, the petitioners have also filed a complaint before the Election Commission, which is pending.

5. In the above circumstances, without going into the merits, as the petitioners have already filed a complaint before the first respondent before the conduct of the election and the same is pending, the first respondent is directed to conduct enquiry and verify from the CD recording about the filing of nomination of papers and find out whether the petitioners have presented the nomination papers in-person and signed the nomination papers and thereafter, pass suitable orders after giving opportunity to the petitioners within a period of four weeks from the date of receipt of a copy of this order. Both the Election Officer and the petitioners are directed to submit

their CD recordings of the filing of the nomination before the Election Commission.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pvs

To

1. Tamil Nadu State Co-operative Societies
Election Commissioner
No.273, Kamadhenu Supermarket, I Floor,
Anna Salai, Chennai - 600 018.
2. District Election Officer (Co-operative Societies),
Tiruvarur District cum Deputy Registrar of
Co-operative societies, Tiruvarur.

+1cc to Mr.R.Neelakandan, Advocate, S.R.No.75790
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.75039
+1cc to the Government Pleader, S.R.No.75315

W.P.No.26941 of 2018

AD(CO)
CS/11/12/2018

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