

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10..10..2018
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.27005 of 2018
&
W.M.P.Nos.31391 & 31393 of 2018

D.Ramesh Kumar

... Petitioner

-Versus-

- 1.The Tamil Nadu State Cooperative,
Rep by its Commissioner,
Kamadenu Super Market First Floor,
No.273 Anna Salai, Chennai.
- 2.R.Keethi Priyadarshini,
District Revenue officer/ Managing Director
(Additional In charge),
District Election Officer,
Dharmapuri District
- 3.Mr.Raman,
Cane Development Officer,
Subramanian Siva Sugar Mills Ltd,
Deputy Registrar,
District Election Officer,
Harur Dharmapuri District.
- 4.The Special officer
K.K.347 Dharmapuri District Co-operative
Sugar Mills Ltd,
Thimmanahalli, Palakkodu
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the list of qualifying candidate published by the 3rd respondent dated 8.10.2018 and to quash the same and consequently direct 3rd the respondent to conduct re-verification of the nominations of all candidates including the petitioner with videography in order to conduct the election for the Board of Directors of No.KK 347 Dharmapuri District Co-Operative sugar Mills Ltd Thimmanahalli Dharmapuri in free and fair manner.

For Petitioner : Mr.B.Singaravelan,
Senior Counsel for
M/s.M.Rajendiran &
Satheeshkumar

For Respondents : Mr.M.S.Palaniswamy,
Standing Counsel for R1
Mr.L.P.Shanmugasundaram,
Spl. Govt. Pleader for R2
to R4

ORDER

This writ petition has been filed challenging the validity of the list of qualifying candidates published by the 3rd respondent on 08.10.2018 and for a consequential direction to the 3rd the respondent to conduct re-verification of the nominations of all candidates including the petitioner with videography in order to conduct the election for the Board of Directors of No.KK 347 Dharmapuri District Co-Operative sugar Mills Ltd Thimmanahalli Dharmapuri in free and fair manner.

2. The case of the petitioner is that the election to the board of directors of the 3rd respondent cooperative society is scheduled to be held on 11.10.2018 and on the date of nomination i.e., on 06.10.2018 132 members including the petitioner have filed their nomination papers. The date for scrutiny of the nomination papers was fixed as 08.10.2018 and the date for publication of final list of eligible candidates for contesting election was fixed as 10.10.2018. According to the petitioner, on 08.10.2018, despite his request, the 3rd respondent did not allow him to see the process of scrutiny of nomination papers and after the process of scrutiny of nomination papers was over, the 3rd respondent published the impugned final list. Aggrieved over the same, the petitioner submitted a representation to the respondents 1 to 3, on 09.10.2018, and the same was pending. The grievance of the petitioner is that the 3rd respondent who is bound to either accept or reject the nomination papers, did not pass any order on the nomination of the petitioner and published the final list in an arbitrary manner and the election to is to be conducted on 11.10.2018. Hence, this writ petition.

3. Heard both sides.

4. According to the petitioner, he had already submitted his representation to the 1st respondent questioning the validity of the final list of eligible candidates for contesting election. In similar circumstances, this court on 31.08.2018 in W.P.No.11145 of 2018 [M.Sadhasivam v. The State Tamil Nadu Co-operative Societies Election Commissioner and others] directed

the State Election Commissioner to conduct enquiry on the complaint/objection from the aggrieved candidate and pass suitable orders after giving sufficient opportunity to the complainant/objector as well as to the interested persons. The relevant portions of the order of this court read as follows:-

"(iv) If there is any irregularity or violation of any procedures during the course of election, it is open to the aggrieved to make an objection/ complaint to the State Election Commission for Cooperative Societies. On receipt of such objection/complaint, the State Election Commissioner is directed to conduct enquiry on the same and pass suitable orders after giving sufficient opportunity to the complainant/objector as well as to the interested persons.

(v) In the enquiry, if the Election Commission found that any of the Election Officers or any other Officials committed any irregularities or misconducts, the Election Commissioner shall report the same to the concerned authorities for taking suitable action against the erring officers.

5. Having regard to the fact that in the instant case also the petitioner had already submitted his complaint alleging irregularities in the process of scrutiny of nomination papers and in the publication of list of eligible candidates for contest, the 1st respondent is directed to conduct an enquiry on the complaint/objection of the petitioner dated 09.10.2018, and pass suitable orders after giving sufficient opportunity to the complainant/objector as well as to the interested persons. In the enquiry, if the Election Commission found that any of the Election Officers or any other Officials committed any irregularities or misconducts, the Election Commissioner shall report the same to the concerned authorities for taking suitable action against the erring officers.

6. In the result, the writ petition is disposed of with the above directions. No costs. Consequently, connected WMPs are closed.

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

kmk

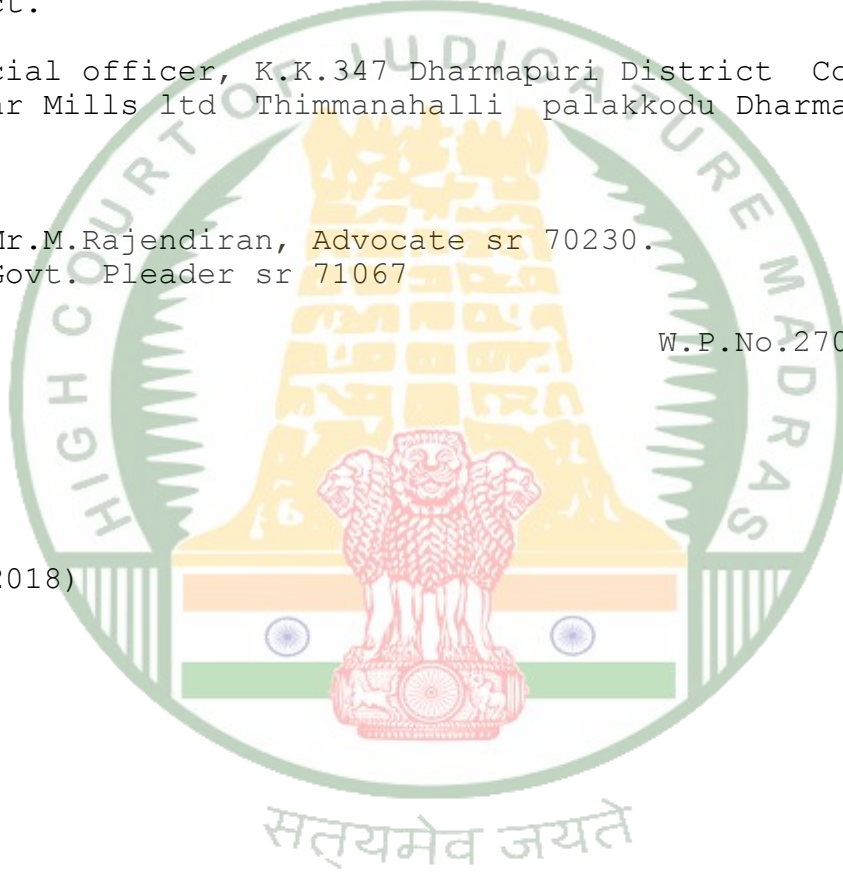
To

- 1.The Commissioner, Tamil Nadu State Cooperative, Kamadenu Super Market First Floor, No.273 Anna Salai, Chennai.
- 2.The District Revenue officer/ Managing Director (Additional in charge), District Election Officer, Dharmapuri District
- 3.The Cane Development Officer, Subramanian Siva Sugar Mills Ltd, Deputy Registrar, District Election Officer, Harur Dharmapuri District.
- 4.The Special officer, K.K.347 Dharmapuri District Co-operative Sugar Mills ltd Thimmanahalli palakkodu Dharmapuri District.

+1 CC to Mr.M.Rajendiran, Advocate sr 70230.
+1 CC to Govt. Pleader sr 71067

W.P.No.27005 of 2018

RK(CO)
SP(06/12/2018)



WEB COPY