

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02.11.2018
C O R A M
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
Writ Petition No.27097 of 2018
and W.M.P.Nos.31515, 32862 of 2018

P.Boobalan

... Petitioner

Vs.

1. The Commissioner,
Tamilnadu State Co-operative Societies
Election Commission,
Kamadhenu Super Market Building (1st floor),
273, Anna Salai,
Teynampet, Chennai.
2. The Registrar General,
Co-operative Societies,
Chepauk, Chennai - 600 010.
3. The Deputy Registrar/District Election Officer,
Tiruvallur Agriculture producer
Cooperative Marketing Society,
Tiruvallur, Tiruvallur District.
4. The Election Officer,
G-1128, Tiruvallur Agriculture producer
Cooperative Marketing Society,
Tiruvallur, Tiruvallur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 4th respondent to include the petitioner's name in the qualified candidates list dated 08.10.2018 and direct the respondents to conduct the election in accordance with Law as claimed by the petitioner in his representation dated 09.10.2018.

For Petitioner : Mr.D.Sundarapandiyan.

For Respondents : Mr.M.S.Palaniswamy (for R1)

Mr.Vijaynarayan,
Advocate General.

Assisted by,

Mr.L.P.Shanmugasundaram, (for R2 to R4)
Special Government Pleader.

O R D E R

The writ petition has been filed challenging the election to the Board of Directors to the 4th respondent Society and to direct the 4th respondent/Election Officer, to include the name of the petitioner in the qualified candidates list dated 08.10.2018.

2. The grievance of the petitioner is that he was elected as one of the Board of Directors of Kadambathur, Primary Agricultural Co-operative Society. Now, as a delegate of that society the petitioner filed his nomination to the election for the Board of Directors of the 4th respondent society. Without considering the nomination, now the eligible list of candidates has been published by the Election Officer, wherein the name of the petitioner is not found place, in such circumstances the present writ petition has been filed.

3. Earlier notice was ordered to the respondents.

4. Today, Mr.L.P.Shanmugasundaram, the learned Counsel appearing for the respondents on instruction submitted that the petitioner's nomination was rejected on the ground that the petitioner has some dues to the primary agricultural society. Where he was selected as a Board of Directors and as per Section 34(1)(b)(i) of Tamilnadu Co-operative Societies Act, 1983 read with Rule 38(a)(i) Tamilnadu Co-operative Society Rules 1988. The petitioner's nomination has been rejected by the Election Officer.

5. I have heard the rival submissions. Admittedly, the election to the Board of Directors was already over and the results were also declared. Now the only remedy available to the petitioner is to file a petition challenging the election under Section 90 of the Tamilnadu Co-operative Societies Act, and the petitioner cannot maintain the writ petition challenging the election.

6. In such circumstances the relief sought for by the petitioner cannot be granted. The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msvm

To

1.The Commissioner,
Tamilnadu State Co-operative Societies
Election Commission,
Kamadhenu Super Market Building(1st floor),
273, Anna Salai, Teynampet, Chennai.

2.The Registrar General,
Co-operative Societies,
Chepauk, Chennai -600 010.

3.The Deputy Registrar/District Election Officer,
Tiruvallur Agriculture producer
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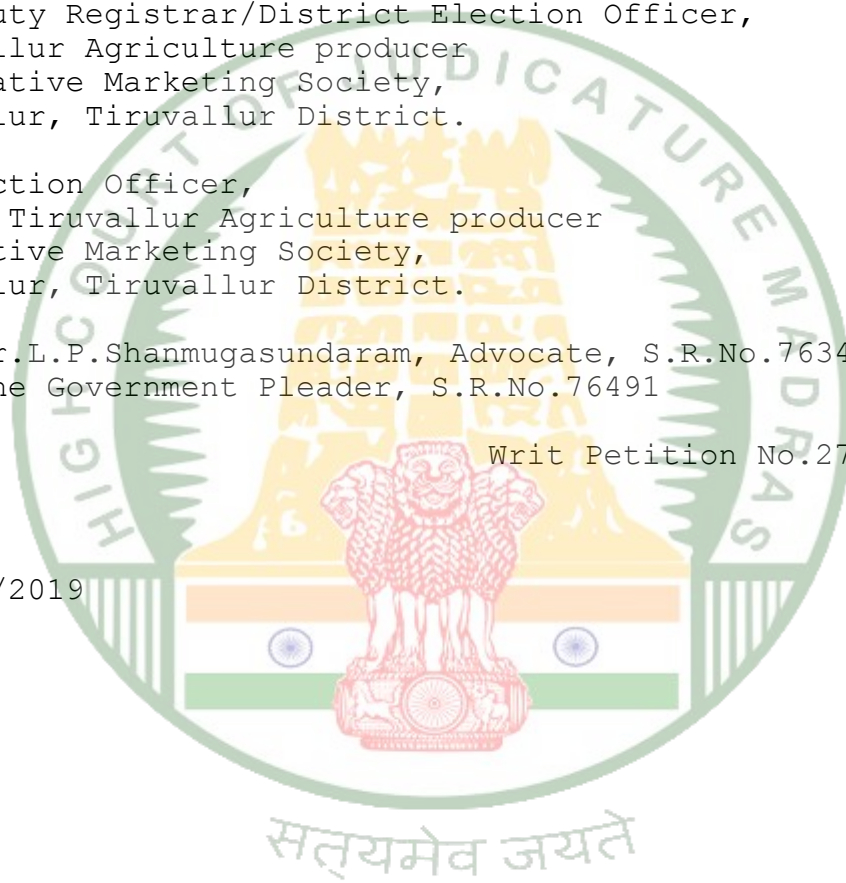
+lcc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.76347

+lcc to the Government Pleader, S.R.No.76491

Writ Petition No.27097 of 2018

PA(CO)

rrs 09/01/2019



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