

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.27133 of 2018
and WMP.Nos.31540, 31542 of 2018

K.Veerappan

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Fort St.George, Chennai-600 009.
2. The Election Commission,
Tamil Nadu State Co-operative Societies,
rep.by its Secretary,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai, Chennai - 600 018.
3. The Registrar of Co-operative Societies,
Chetpet, Chennai - 600 010.
4. The Deputy Registrar of Co-operative Societies,
The District Revenue Officer/General Manager,
Chennai-35.
5. The Assistant Director/District Election Officer,
O./o. The Assistant Director of Co-operative Societies,
Villupuram, Villupuram District.
6. The Special Officer/Aministrator,
Senkalrayan Co-operative Sugar Mill Ltd.
Periyasevalai - 607209, Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notification published on 17.09.2018 in "dinamalar" daily newspaper on the file of the respondent No.4th and quash the same as illegal and consequently for a direction to respondents to include the petitioner and

others name in the candidates list as per filing nomination on 06.10.2018 for forthcoming elections to be held on 11.10.2018 or any other date.

For Petitioner : Mr.E.C.Ramesh

For Respondents: Mr.M.S.Palaniswamy for R1,

Mr.Vijayanarayan,
Advocate General,
Assisted by
Mr.L.P.Shanmugasundaram for R3 to R5,
Mr.Bala Ramesh for R6,
Standing Counsel.

O R D E R

The writ petition had been filed challenging the impugned notification published on 17.09.2018 in "dinamalar" daily newspaper on the file of the 4th respondent and quash the same as illegal and consequently for a direction to respondents to include the petitioner and others name in the candidates list as per filing nomination on 06.10.2018 for forthcoming elections to be held on 11.10.2018 or any other date.

2. The grievance of the petitioner is that, pursuant to the impugned election notification dated 17.09.2018, the petitioner and other members have filed a nomination on 06.10.2018, but without passing any orders on the petitioner's nomination now the Election Officer has published the name of 15 persons as eligible candidates to contesting the election. In the above circumstances the petitioner had come forward to challenge the very election Notification.

3. However, notice was ordered to the respondents.

4. Today Mr.L.P.Shanmugasundaram, learned Counsel appearing for the 5th respondent on instructions submitted that the petitioner's nomination has been rejected by the Election Officer on the ground that the petitioner had filed two nominations, one in the Reserved category and another in the General category. Rejecting the petitioner's nomination the list of eligible candidates has been listed. He also further submitted that now the Election was also over on 09.10.2018 and

the result of the selected candidates were also published.

5. Since already the petitioner's nomination has been rejected by giving reasons and apart from that the election is also over. Now the only remedy available to the petitioner is to challenge the election by way filing an petition under Section 90 of the Co-operative Societies Act. Without doing so the petitioner now cannot challenge the election Notification.

6. In the above circumstances the writ petition is dismissed with liberty to the petitioner to challenge the election in the manner known to law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

msvm

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
Co-operation, Food and Consumer Protection Department,
Fort St.George, Chennai-600 009.
2. The Secretary,
The Election Commission,
Tamil Nadu State Co-operative Societies,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai, Chennai - 600 018.
3. The Registrar of Co-operative Societies,
Chetpet, Chennai - 600 010.

+lcc to Mr.Bala Ramesh, Advocate sr.no.76331
+lcc to Mr.E.C.Ramesh, Advocate sr.no.76028
+lcc to Government Pleader sr.no.76492

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nr 25/01/2019