

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.27130 of 2018
and W.M.P.Nos.31535 and 31537 of 2018

Pushpa
President, Perampakkam Kollamedu Milk Producers
Co-Operative Society. .. Petitioner

Vs.

1.The Commissioner
Tamilnadu State Co Operative Society Election Commission
Kamadhenu Super Market Building (1st Floor)
273, Anna Salai,
Teynampet,
Chennai - 18.

2.The Deputy Registrar/District Election Officer
Co-operative Societies,
Thiruvallur Circle,
Thiruvallur District.

3.The General Manager,
Kancheepuram Thiruvallur District Milk Producers
Co Operative Union Ltd,
No.55, Guruvappa Street,
Ayyanavaram, Chennai-23.

4.Mr.M.Santheep
The Election Officer/Secretary,
Kancheepuram Thiruvallur District Milk Producers
Co- operative Union Ltd
No.55, Guruvappa Street,
Ayyanavaram, Chennai-23

5.Chandran .. Respondents

Prayer: Writ petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of
Certiorarified Mandamus calling for records pertaining to the
eligible list of candidates published/declared for the post of
Board of directors on 08.10.2018 by the 4th respondent to the 3rd
respondent's society pursuant to the notification dated 18-09-

2018 bearing no. Ve.aa.En 196/2018 issued by the 1st respondent and to quash the same in so far as 5th respondent is concerned and consequently direct the 1st respondent to conduct fair and free election for the post of Board of Directors of the 3rd respondent's society.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.M.S.Palaniswamy
Standing counsel for R1

Mr.L.P.Shanmugasundaram
Special Government Pleader
for RR2 to 3

O R D E R

The grievance of the petitioner is that, he was intended to contest for the post of Director in the 4th respondent Society, but, he was not provided with a nomination. Thereafter, the 4th respondent/Election Officer announced valid list of 17 eligible candidates, in which, the 5th respondent name is also found placed. The 5th respondent was functioning as a Chairman of the 4th respondent Society, earlier, and he mis-used the post and appointed one of his close relatives as technician, for which a criminal case is also pending against him. Apart from that one of the close relatives to the 5th respondent is also working as an employee in the Society. Hence, the petitioner raised his objection for his nomination, but the same was not considered, and 5th respondent's nomination was accepted, and declared as eligible candidate. In the said circumstances, the petitioner has filed the present writ petition.

2. The learned counsel for the respondents submitted that election to the Board of Directors was already over, and the results were also declared.

3. Considering the said circumstances, once the election is over and the results were declared, the only remedy available to the petitioner is to file election petition challenging the election under Section 90, of the Tamil Nadu Co-operative Societies Act, and he cannot file the writ petition before this Court challenging the election under Article 226 of the Constitution of India.

4. In the result, writ petition is dismissed. However, the petitioner is at liberty to challenge the election, if he is so advised, within a period of two weeks from the date of receipt of a copy of this order. On receipt of any such election

petition filed by the petitioner, the Election Authorities are directed to consider the same and pass orders in accordance with law within a period of three months thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssn/tsg

To

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Co Operative Union Ltd,
No.55, Guruvappa Street,
Ayyanavaram, Chennai-23.
- 4.The Election Officer/Secretary,
Kancheepuram Thiruvallur District Milk Producers Co operative
Union Ltd
No.55, Guruvappa Street,
Ayyanavaram, Chennai-23

+lcc to Mr.R.Thirumoorthy, Advocate, S.R.No.75655
+lcc to the Government Pleader, S.R.No.75316
+lcc to Mr.M.S.Palaniswamy, Advocate, S.R.No.75192

W.P. No.27130 of 2018 and
W.M.P.Nos.31535 and 31537 of 2018

EV(CO)

rrs 30/11/2018