

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.27295 of 2018
and WMP.No.31761 of 2018

K.Venkatachalam
Petitioner

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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),
Vellore District-cum-Deputy Registrar of Co-operative
Societies,
Vellore.
3. Election Officer,
Vellore Sugar Mills Co-operative Society,
Vellore District.
Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Declaration, declaring the entire process of current election to the 3rd respondent society is illegal, null and void; and consequentially direct the respondents to conduct fresh election to the 3rd respondent society by accepting all the nominations in accordance with Tamil Nadu Co-operative Societies Act, 1983, Tamil Nadu Co-operative Societies Rules, 1988 and instructions in the Co-operative Election Manual and conduct the election in a free and fair manner within a reasonable time to be fixed by this Court.

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

For Respondents : Mr.M.S.Palaniswamy, for R1
Mr.L.P.Shanmugasundaram,
Spl.G.P., for R2

Mr.Bala Ramesh, for R3

ORDER

The Writ Petition has been filed seeking for a direction to accept the petitioner's nomination for the post of Board of Directors to the third respondent Society.

2. The grievance of the petitioner is that he has filed his nomination for the post of Board of Directors. Without properly scrutinising the nominations, the election officer finalised the list of valid nomination and published the same, wherein, the petitioner's name does not find a place. In the above circumstances, the present Writ Petition has been filed.

3. The third respondent has filed a counter affidavit stating that at the time of scrutiny, the petitioner has withdrawn his nomination. After withdrawing the nomination 09.10.2018, now the petitioner is seriously opposing the same.

4. The learned counsel for the petitioner submitted that both the nominations and scrutiny of the nominations were videographed and a perusal of the same, would clearly reveal that the petitioner did not withdraw his nomination.

5. I have heard the rival submissions and perused the materials available on record.

6. Considering the fact that there is a dispute regarding the withdrawal of the petitioner's nomination, I am of the opinion that the issue should be decided by the Election Commissioner/ first respondent.

7. In the above circumstances, the first respondent is directed to conduct enquiry regarding the filing of nomination as well as the withdrawal of the nomination by analysing the videograph and pass suitable orders, after giving opportunity to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs

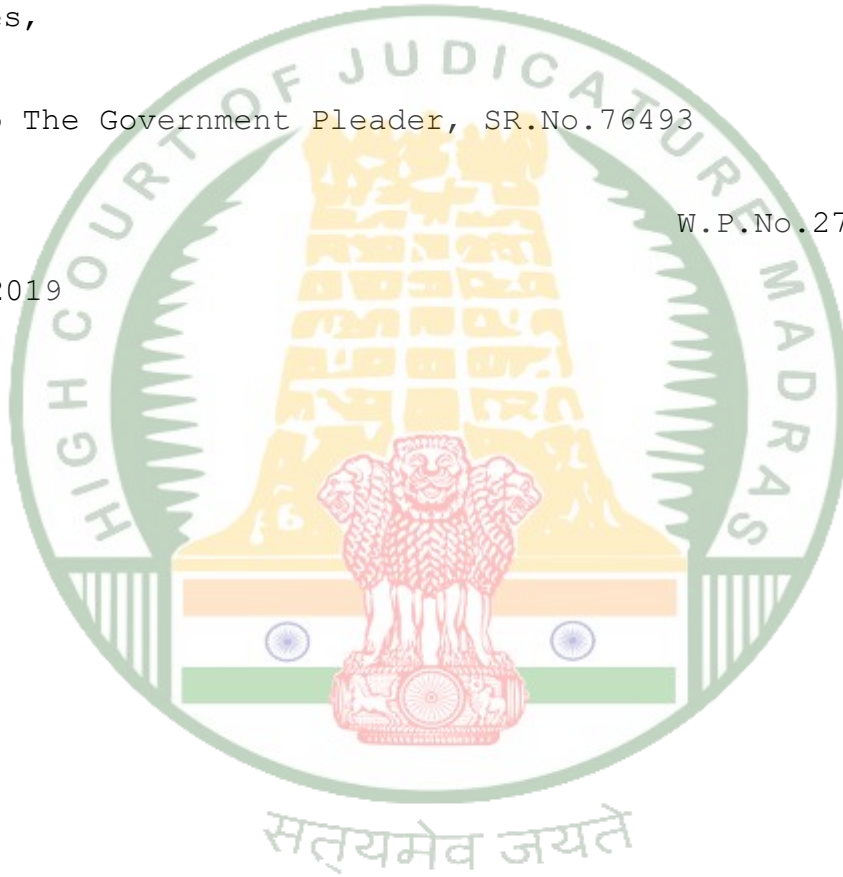
To

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),
Vellore District-cum-Deputy Registrar of Co-operative
Societies,
Vellore.

+1 cc to The Government Pleader, SR.No.76493

RR(CO)
CSL/0.02.2019

W.P.No.27295 of 2018



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