

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. No.27176 of 2018

and

W.M.P.Nos.31589, 31597 and 32865 of 2018

Mr.P.Rajamurugan

.. Petitioner

Vs.

- 1.The Co-operative Societies  
Election Commissioner,  
Tamil Nadu Co-operative Societies Election Commission,  
No.273, Kamadhenu Supermarket,  
I Floor, Anna Salai, Chennai - 600 018.
- 2.The District Revenue Officer/  
Managing Director (In-Charge)  
Tirupattur Co-operative Sugar Mills Limited,  
Dharmapuri District, Tamil Nadu.
- 3.The Deputy Registrar of Co-operative Societies/  
The District Election Officer,  
Dharmapuri District, Tamil Nadu.
- 4.The Election Officer,  
KK 347, Dharmapuri District Co-operative  
Sugar Mills Limited, Thimmanahalli, Jerthalar - 636 808,  
Palacode Taluk, Dharmapuri District, Tamil Nadu.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the 4<sup>th</sup> Respondent's impugned list of eligible candidates released by him on 08.10.2018 culminating in the impugned final list of candidates released by him on 09.10.2018, quash the same and direct the Respondents to properly and correctly re-draw the eligible list of members/voters by deleting the names of all the

deceased member s, accept the nomination of the Petitioner which was illegally rejected and include his name in the list of eligible candidates as well as contesting candidates and to thereafter conduct the election of Members/Directors to the Board of the KK 347, Dharmapuri District Co-operative Sugar Mills Limited Thimmanahalli, Jerthalar-636 808, palacode Taluk, Dharmapuri District, Tamil Nadu in a fair and democratic manner in accordance with the Tamil Nadu Co-operative Societies Act, 1983 and the Tamil Nadu Co-operative Societies Rules, 1988 within a stipulated time and under the supervision of a committee to the nominated by this Court.

For Petitioner : Mr.Arun Anbumani

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

Mr.L.P.Shanmugasundaram  
Special Government Pleader for RR2 to 3  
Mr.Bala Ramesh Standing Counsel for R4

#### O R D E R

This writ petition is filed by the petitioner challenging the final list of eligible candidates issued by the fourth respondent/Election Officer.

2. According to the petitioner he has filed nomination before the fourth respondent society which has been rejected without assigning any reason.

3. The fourth respondent filed a counter affidavit stating that the petitioner's nomination has been rejected on the ground that the name of the petitioner varies and also the identity of the petitioner was not established.

4. The learned counsel appearing for the respondents, on instructions submitted that as per the register maintained by the Society, the name of the petitioner is Raja @ Murugan whereas, he has filed the nomination as P.Rajamurugan and hence, it is rejected. But it was submitted by the learned counsel for the petitioner that the petitioner has filed his nomination as Raja @ Murugan and not as Rajamurugan and he himself present before the Election Officer and produced the identity proof to him.

5. Apart from that he has also filed a complaint given to the election commissioner before the declaration of elections. The learned counsel also submitted that even assuming the name is wrongly given, it is not a ground to reject the nomination.

6. Considering the above submissions, this Court of the view that as the petitioner's complaint is pending with the 1<sup>st</sup> respondent, the 1<sup>st</sup> respondent Election Commissioner is directed to conduct the enquiry and pass suitable orders, after going through the entire records within a period of six months from the date of receipt of a copy of this order. It is made clear that subsequent election conducted to the office bearers of the Society is subject to the result of the orders by the Election Commissioner.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssn/tsg

To

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The District Election Officer,  
Dharmapuri District, Tamil Nadu.
- 4.The Election Officer, सतयमेव जयते  
KK 347, Dharmapuri District Co-operative  
Sugar Mills Limited, Thimmanahalli, Jerthalar - 636 808,  
Palacode Taluk, Dharmapuri District, Tamil Nadu.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.75087  
+1cc to Mr.Arun Anbumani, Advocate, S.R.No.75203  
+1cc to the Government Pleader, S.R.No.75317

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VGI (CO)

GSP(06/02/2019)