

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.27374 of 2018
and
W.M.P.Nos.31875 of 2018
& 34241 of 2018

Mani

... Petitioner

Vs

1. The State Election Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
No.273, Kamathenu Cooperative Stores,
Anna Salai, Chennai - 600 018.
2. The District Election Officer,
(Co-operative Elections),
Krishnagiri District,
Krishnagiri.
3. The Election Officer,
DD-9, Uthangarai Agricultural Producers Cooperative
Marketing Society, Uthangarai,
Uthangarai Taluk,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of Declaration, declaring the election to the 3rd respondent society namely DD-9, Uthangarai Agricultural Producers Cooperative Marketing Society, Uthangarai, Krishnagiri District, commenced on 06.10.2018 and on subsequent dates as null and void and contrary to law and consequently direct the respondents 1 and 2 herein to conduct fresh election to the above said society strictly in accordance with law.

For Petitioner : Mr.R.Thamaraiselvan

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

: Mr.L.P.Shanmugasundaram,
Special Government Pleader
For R2 & R3.

O R D E R

This writ petition has been filed challenging the election conducted to the Board of Directors of the third respondent society.

2. The grievance of the petitioner is that the petitioner's nomination has been rejected on the ground that the signature of the petitioner found in the nomination form differs from the signature found in the Admission Register.

3. According to the petitioner as per the provisions of Rule 52(8)(d)(iii) of the Tamil Nadu Co-operative Societies Rules 1983, the nomination cannot be rejected on the ground that the signature differs.

4. Heard the learned counsel appearing for the petitioner and the Standing counsel appearing for the first respondent and the learned Special Government Pleader, appearing for the respondents 2 and 3.

5. The third respondent has filed a counter affidavit stating that now based on the complaint given by the petitioner, enquiry has been initiated by the first respondent Election Commission and the enquiry is pending with them.

6. Mr.M.S.Palaniswamy, learned Standing Counsel appearing for the first respondent submitted that now Election Commission called for the entire records and enquiry is pending with them.

7. In the said circumstances, as the enquiry is pending with the first respondent, without going into the merits of the case, the first respondent is directed to conduct enquiry and pass suitable orders on merits and in accordance with law within a period of four 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 petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

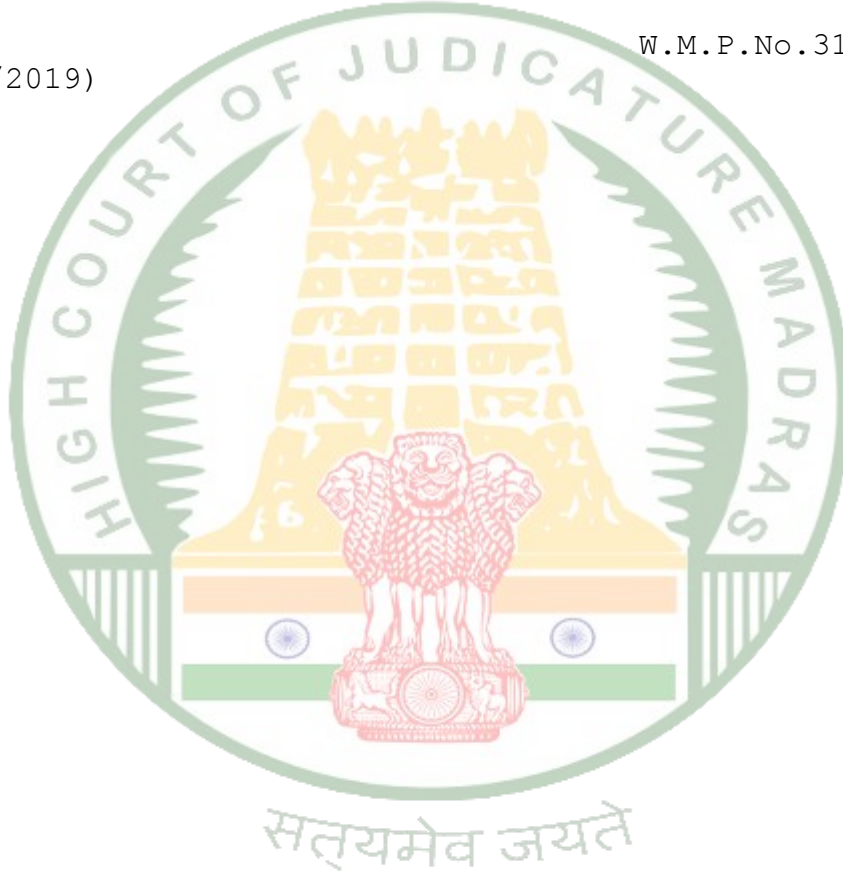
1. The State Election Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
No.273, Kamathenu Cooperative Stores,
Anna Salai, Chennai - 600 018.

+1 cc to Mr.R.Thamarai Selvan, Advocate, S.R.No.77244

+1 cc to the Government Pleader, S.R.No.78010

W.P.No.27374 of 2018
and
W.M.P.No.31875 of 2018

SSM(25/01/2019)



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