

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.28710 of 2018
and
W.M.P.No.33537 of 2018

V.Raja

... Petitioner

Vs

1. The Joint Registrar of Co-operative Society,
Thiruvannamalai Region,
Thiruvannamalai District.
2. The District Collector,
Office of the District Collectorate,
Thiruvannamalai District.
3. The Election Officer,
Thiruvannamalai Central Co-operative Society,
Thiruvannamalai District.
4. Arni Silk Co-operative Society H.H.106,
rep. by its Secretary,
No.29 , Vedhapuri Eswaran Koil Street,
Kosappalayam, Arni 632 301.
5. R.J.Ayyanar
6. J.Sampath
7. S.Sundaramoorthy
8. A.Sankar
9. K.Velu
10. R.Isaq
11. R.Santhakumari
12. S.kalaivanai

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13. Tamil Nadu State Co-op Societies Election Commission,
Kamadenu Super Market Building,
No.273, Scheme Road,
Subbarayan Nagar, Teynampet,
Chennai - 600 018. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for an issuance of Writ of declaration declaring that the election held by the respondents 3 and 13 for the fourth respondent society on 07.08.2018 is null and void and consequently direct the third respondent to conduct a fresh and fair election.

For Petitioners : Mr. P.Satheesh Kumar

For Respondents : Mr.L.P.Shanmugasundaram,
Spl. G.P.,
for R1 to R3.

: Mr.M.S.Palaniswamy,
Standing counsel,
for R13

O R D E R

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

2. The grievance of the petitioner is that the petitioner along with other members have filed their nominations to the post of Board of Directors and without considering their nominations, now the election officer has been declared 7 members were elected as directors and the entire election process has not been conducted in accordance with law. Hence, the present writ petition has been filed.

3. Today, when the matter is taken up for hearing, the learned Special Government Pleader, appearing for the respondents 1 to 3, on instructions, submitted that petitioner's nomination has been rejected for a valid reason and thereafter, the election has been declared. The Division Bench of this Court in W.P.(MD) Nos.17730/2018 etc batch, dated 03.08.2018 categorically held that now the only remedy available to the petitioner is to challenge the election by filing a petition under Section 90 of the Co-Operative Societies Act.

3. I have heard the learned counsel appearing for the petitioner and the Special Government Pleader appearing for the

respondents 1 to 3 and the Standing counsel appearing for the 13th respondent and perused the materials available on record carefully.

4. Admittedly, the election to the Board of directors has been over as early as 07.08.2018 itself. It is settled law that once the election held and the results are declared, the only remedy available to the petitioner is to file a petition under Section 90 of the Co-Operative Societies Act and cannot maintain the Writ Petition.

5. In the above circumstances, If the petitioner has any grievance over the election, it is always open to the petitioner to challenge the Election by filing appropriate petition under Section 90 of the Tamil Nadu Co-operative Societies Act as the election has been over. Hence, the prayer sought by the petitioner cannot be granted.

6. In view of the above, the writ petition stands dismissed. However, liberty is granted to the petitioner to file appropriate petition in the manner known to law. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

mrp

To

1. The Joint Registrar of Co-operative Society,
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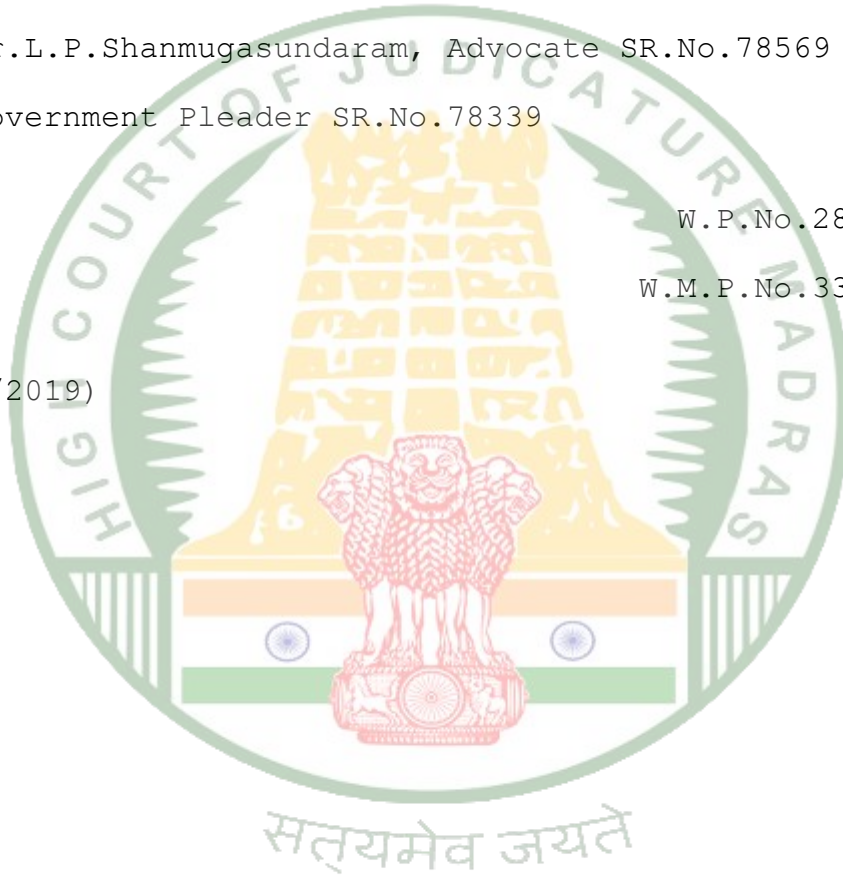
+1cc to Mr.P.Satheesh Kumar, Advocate SR.No.77564

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.No.78569

+1cc to Government Pleader SR.No.78339

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and
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CP(CO)
GMY(31/01/2019)



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