

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2018

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.27505 of 2018
and W.M.P.Nos.32019 and 32022 of 2018

V.Vadivel

.. Petitioner

Vs.

- 1.The Commissioner,
The Tamil Nadu State Co-operative
Societies Election Commission,
No.273, I Floor, Kamadenu Building,
Teynampet, Chennai - 600 018.
- 2.The Election Officer,
S-495, Krishnagiri Taluk Agricultural Producers
Co-operative Marketing Society Ltd.,
Pochampalli Post and Taluk,
Krishnagiri District - 635 206.
- 3.S-495, Krishnagiri Taluk Agricultural Producers
Co-operative, Marketing Society Ltd,
Rep by its Secretary,
Pochampalli Post and Taluk,
Krishnagiri District - 635 206.
- 4.M.Chakkaravarthy
- 5.M.Chetti Kumar
- 6.R.Jeyabalan
- 7.M.Karthikeyan
- 8.T.K.Kamalanathan
- 9.C.Mohana
- 10.B.Selvam

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11.C.Tamilsalvan

12.M.Meenatchi

13.M.S.Prabhakaran

14.K.Sumathi

.. 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, relating to the result dated 09.10.2018, on the file of the Second respondent herein, and quash the same and direct the first respondent to enquire the irregularities in the election to the third respondent society, within a timeframe as may be fixed by this Court.

For Petitioner : Mr.P.Raja

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

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

O R D E R

The writ petition is filed challenging the election conducted to the post of Board of Directors to the third respondent Co-operative society.

2. The grievance of the petitioner is that he had filed his nomination to the election for the Board of Directors but, without passing any orders on the nomination, the third respondent passed the impugned declaration declaring the respondents 4 to 14 have were elected as Board of Directors.

3. The 2nd respondent has filed a common counter affidavit stating that the petitioner has filed the nomination, and the same has been rejected on valid reasons. Subsequently, the election was also conducted, and the results also declared, and in such circumstances, the petitioner cannot challenge the election by way of writ petition and the only remedy available to the petitioner is to file a petition challenging the election under Section 90 of the Tamil Nadu Co-operative Societies Act.

4. The learned counsel for the petitioner submitted that nomination has been rejected for very trivial reasons in title in violation of Section 52(8) (C) of the Tamil Nadu Co-operative Societies Rules, 1988.

5. I have considered rival submissions.

6. Considering the fact that the petitioner's nomination has been rejected, and whether the order rejecting the nomination is valid or not, is a matter which has to be decided in a proper proceedings, and this Court cannot decide the above issue in a writ petition under Article 226 of the Constitution of India. Apart from that now the election was over and results also declared, in the above circumstances, the only remedy available to the petitioner is to file an election petition challenging the election.

7. 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

//True Copy//

Sub Assistant Registrar

ssn/tsg

To

1.The Election Officer,
S-495, Krishnagiri Taluk Agricultural Producers
Co-operative Marketing Society Ltd.,
Pochampalli Post and Taluk,
Krishnagiri District - 635 206.

2.S-495,Krishnagiri Taluk Agricultural Producers
Co-operative, Marketing Society Ltd,
Rep by its Secretary,
Pochampalli Post and Taluk,
Krishnagiri District - 635 206.

+1cc to Mr.P.Raja, Advocate, S.R.No.75018

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.76051

+1cc to the Government Pleader, S.R.No.75320

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AK(CO)

GSP(11/01/2019)