

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.31395 of 2018
and
W.M.P.No.36579 of 2018

J.Mahalakshmi

... Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
No.273, Anna Salai, Chennai 600 035.
2. The Deputy Registrar of Co-operative Societies/
District Election Officer,
Thirukovilur,
Villupuram District.
3. The Election Officer,
Kallakurichi Co-operative Sugar Mill Limited (II 389)
Moongilthuraipattu,
Sankarapuram Taluk,
Villupuram District - 605 702
4. The Managing Director,
Kallakurichi Co-operative Sugar Mill Limited (II 389)
Moongilthuraipattu,
Sankarapuram Taluk,
Villupuram District - 605 702
5. Devika
6. Govindammal
7. Kasthuri
8. Malar
9. Sagunthala
10. Poomalai
11. Perumal
12. Velayautham
13. Anbarasan
14. Arasu
15. Sellappan

WEB COPY

16. Chinnapillai
17. Govindan
18. Pandurangan
19. Ramanan
20. Venkatesan
21. Sanniyasi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of declaration declaring the list of candidates published on 09.10.2018 by the third respondent in respect of the election to the 4th respondent society and a final list of 17 candidates selected as contenting candidates on 09.10.2018 as null and void to conduct the election for the Kallakurichi Co-operative Sugar Mill Limited (II 389) Moongilthurapiatu in accordance with law.

For Petitioner : Mr.V.R.Kamalanathan

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

: Mr. L.P.Shanmugasundaram
For R2

: Mr.BalaRamesh,
For R3 and R4
Spl. G.P.

ORDER

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

2. The learned counsel appearing for the petitioner submitted that the election to the Board of Directors was already over, and there is a dispute relating to the election. Till the dispute is decided by the authorities, the election to the Office Bearers should not be conducted.

3. I have heard the rival submissions made on either side and perused the materials available on record.

4. Admittedly, the election to the Board of Directors was over and results were declared. If the petitioner has any grievance over the election, the only remedy available to him is to file a petition under Section 90 of the Tamil Nadu Co-operative Societies Act challenging the election and the petitioner cannot maintain the writ petition. It is needless to

say that, if the election to the Board of Directors is set aside , consequently, the election to the Office Bearers will also necessarily be set aside.

5. In the said circumstances, this writ petition is dismissed. However, liberty is granted to the petitioner to file appropriate petition challenging the election to the board of directors in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

mrp

30/11/2018

This case came up before Court for being mentioned and upon hearing the arguments of Mr.V.R.Kamalanathan, Advocate for the Petitioner and of Mr.M.S.Palaniswamy, Advocate for the first Respondents and Mr.L.P.Shanmuga Sundaram, Advocate for the Second Respondent and Mr.Balaramesh, Special Government Pleader for third and Fourth Respondent, the Court made the following order;

This Writ Petition has been posted under the caption "being mentioned" today.

2. Today, when the matter was taken up for hearing, Mr.V.R.Kamalanathan, learned counsel appearing for the petitioner submitted that this Court by an order dated 30.11.2018 has given a liberty to the petitioner to file election petition challenging the election to the Board of Directors and in which no time frame was fixed by this Court for the election petition to be disposed of.

3. Considering the above fact, the order is modified as follows:-

"In the event of election petition is being filed, the authorities are directed to consider the election petition and dispose of the same within a period of three months as directed by the Division Bench of this Court in the Writ Petition Nos.11145, 15733, 2219 etc. of 2018 etc. batch (M.Sadhasivam and others Vs. State of Tamil Nadu and others) after giving opportunity to the petitioner as well as other interested persons.

Rpp

08/02/2019

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
No.273, Anna Salai, Chennai 600 035.
2. The Deputy Registrar of Co-operative Societies/
District Election Officer,
Thirukovilur,
Villupuram District.
3. The Election Officer,
Kallakurichi Co-operative Sugar Mill Limited (II 389)
Moongilthuraipattu,
Sankarapuram Taluk,
Villupuram District - 605 702
4. The Managing Director,
Kallakurichi Co-operative Sugar Mill Limited (II 389)
Moongilthuraipattu,
Sankarapuram Taluk,
Villupuram District - 605 702

+1cc to M/s.V.R.Kamalanathan, Advocate, S.R.No.11657

W.P.No.31395 of 2018

RR(CO)
KAK(06/02/2019)

srg 06/03/2019



WEB COPY