

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.33975 of 2018

and

W.M.P.No.39453 of 2018

K.Dhayanadhi

... Petitioner

Vs.

1. The Election Commissioner,
State Co-operative Societies election Commission,
NO.273, Kamadhenu Supermarket, 1st floor,
Anna Salai, Teynampet,
Chennai - 600 018.
2. The Registrar,
Tamilnadu State Co-operative Societies,
Chetpet, Chennai -600 010.
3. The Joint Registrar,
Tamilnadu State Co-operative Societies,
Cuddalore Zone,
Cuddalore District.
4. The Election Officer,
C.L. Special -8,
Panruti Agricultural Producers
Co-operative Marketing Society,
1A, Vizhumangalam Road,
Panruti, Cuddalore District.
5. The Deputy Registrar,
Office of Co-operative Society,
Thandapani Nagar,
Cuddalore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing 5th respondent to take up the appeal filed by the petitioner under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983, to declare the election held on 14.12.2018 for C.L. Special-8, Panruti Agricultural Producers Co-operative Marketing Society, Na.Ka.No.8655/2018/Co-operative. election.2, dated 04.12.2018, as null and void and consequently direct the first and fourth respondents to cancel the election for Chairman and Vice Chairman, which is to be held on 19.12.2018 for the C.L.Special-8, Panruti Agricultural Producers Co-operative Marketing Society in accordance with law.

For Petitioner : Mr.S.Haja Mohideen Gisthi

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

: Mr.L.P.Shanmugasundaram,
Spl. G.P. RR 2 TO 5

O R D E R

This writ petition has been filed seeking a direction to the fifth respondent to dispose the petitioner's election petition filed under Section 90 of the Tamil Nadu Co-operative Societies Act.

2. According to the petitioner, the election to the Board of Directors of the fourth respondent society was conducted on 14.12.2018. Even though this Court issued various directions to the Election Officers to conduct election in a free and fair manner, the election was not conducted properly. The Election Officer permitted the bogus voters to vote in the election and also not included the eligible persons in the voters list. In the said circumstances, challenging the election, the petitioner has filed a petition under Section 90 of the Tamil Nadu Co-operative Societies Act before the 5th respondent on 17.12.2018. Since the election to the Office Bearers of the fourth respondent Society is to be held today (i.e.19.12.2018), the present writ petition has been filed seeking a direction to the fifth respondent to dispose the election petition expeditiously.

3. Considering the fact that the Division Bench of this Court has already fixed a outer time limit of 3 months for disposing of the election petition, the fifth respondent is directed to consider the Election Petition filed by the petitioner and dispose of the same after giving an opportunity to the petitioner and other concerned persons within a period of 3 months from the date of receipt of a copy of this Order. It is also made clear that any election conducted to the Office Bearers of the fourth respondent Society will be subject to the outcome of the election petition.

4. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp

To

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Panruti, Cuddalore District.
5. The Deputy Registrar,
Office of Co-operative Society,
Thandapani Nagar,
Cuddalore District.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.88577

+4ccs to Mr.A.Parveen, Advocate, S.R.No.88279

W.P.No.33975 of 2018

rrs 20/12/2018

सत्यमेव जयते

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