



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. (MD) No.21480 of 2018
and W.M.P.(MD) No.19373 to 19376 of 2018

Ponraj

... Petitioner

-VS-

- 1.The State Election Commissioner,
The Tamil Nadu Cooperative Election Commission,
Chennai.
- 2.The District Election Officer cum Assistant
Director of Handlooms and Textile, Madurai,
Sellur,
Madurai District.
- 3.The District Election Officer cum Assistant
Director of Handlooms and Textile, Madurai,
Shenoy Nagar,
Madurai - 20.
- 4.The Special Officer,
MH 161, Anna Cooperative Spinning Mills Ltd.,
Aundipatty,
Theni District.
- 5.The Chairman,
The South Zone,
Committee for Enquiring Complaints
Concerning Cooperative Elections,
No.187, North Veli Street,
Madurai.
- 6.S.Eswaran
- 7.P.Kalamani
- 8.R.Rengaraj
- 9.K.Thangaraj
- 10.S.Vasu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the record pertaining to the impugned notification dated 08.10.2018 published by the 3rd Respondent herein declaring the Respondents 6 to 10 candidates nomination as valid nominations and rejecting the rest and quash the same as illegal and consequently direct the 1st Respondent herein to conduct the free and fair election to the 4th Respondent Society with adequate police



protection and video coverage.

For Petitioner : Mr.A.Mithun Chakravarthi

For 1st Respondent : No appearance

For Respondents 2 to 5 : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.D.Muruganantham
Additional Government Pleader

For Respondents 6 to 10 : Mr.K.Hema Karthikeyan

O R D E R

(Order of the Court was made by P.D.AUDIKESSAVALU, J.)

According to the petitioner, he had submitted his nomination for the post of Director in the Election that was to be conducted for the Board of Directors of MH 161, Anna Cooperative Spinning Mills Ltd., Aundipatty, Theni District on 06.10.2018. During the scrutiny on 08.10.2018 his nomination was rejected. It is complained by the petitioner that no scrutiny had been conducted by the third respondent as per Rule 52(8)(e) of Tamil Nadu Cooperative Society Rules, 1988. In such circumstances, the Petitioner has approached this Court, challenging the proceeding of the Election Officer dated 08.10.2018 and the consequential proceedings dated 09.10.2018, declaring the unanimous election of the sixth to tenth respondents and others for consequential direction to conduct election afresh.

2. When the matter was taken up for hearing before this Court, the third respondent has appeared in person and has produced the proceedings dated 26.11.2018 issued by him as Election Officer, in which it has been stated as follows:

"With regard to plea made in the writ petition in W.P. (MD) No.21480 of 2018 filed before the Hon'ble Madurai Bench of Madras High Court and in pursuance to the instructions issued in Circular Rc.No.321/201/Co.E1-1, dated 19.07.2018 of the Tamil Nadu State Cooperative Election Commission, Chennai. I hereby withdraw my earlier notification dated 09.10.2018 declaring elected 11 candidates to the Board of Directors of M.H.161, Anna Cooperative Spinning Mills Ltd., Aundipatty, Theni District."

In the affidavit filed along with the said proceedings the third respondent has stated that he had rejected the nomination of the Petitioner without taking note of guideline (v) of the Election Commission Circular in Rc.No.321/201/Co.E1-1, dated 19.07.2018 that errors and omissions had to be allowed to be rectified in relation to the Membership Number, category of constitution, signature, place



of affixation of signature, omission of details in the nomination form.

3. In view of the aforesaid submissions made by the third respondent, the impugned notification dated 08.10.2018 published by the third respondent and the order dated 09.10.2018 issued by the third respondent declaring sixth to tenth respondents as having been elected as Director of M.H.161, Anna Cooperative Spinning Mills Ltd., Aundipatty, Theni District are set aside. The election process shall be conducted from the stage of allowing the candidates to rectify errors and omissions in their respective nominations, which have already been received, as per the new time schedule to be announced by the first respondent/Election Commission for Tamil Nadu Cooperative Societies. The aforesaid exercise, which shall be fully video-graphed, shall be completed and a compliance report in that regard shall be submitted to the Registrar (Judicial) of this Court by 31.12.2018.

4. The Writ Petition is allowed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No Costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The State Election Commissioner,
The Tamil Nadu Cooperative Election Commission,
Chennai.
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Sellur,
Madurai District.
- 3.The District Election Officer cum Assistant
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- 5.The Chairman,
The South Zone,
Committee for Enquiring Complaints Concerning Cooperative
Elections,
No.167, North Veli Street,
Madurai.



Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.MITHUN CHAKRAVARTHI, Advocate, SR.No.97476
+1cc to M/s.K.HEMA KARTHIKEYAN, Advocate, SR.No.97176
+1cc to M/s.Special Government Pleader, SR.No. 97445

W.P. (MD) No.21480 of 2018
27.11.2018

SJ
KK/SV/SAR-4/30.11.2018/4P-10C