



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.21534 of 2018

and

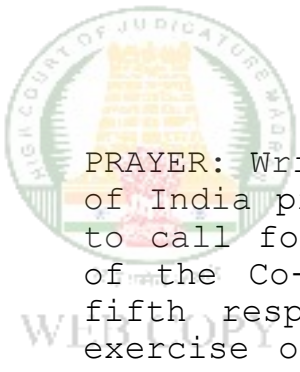
W.M.P.(MD)Nos.19420 and 19421 of 2018

Mokkamayan : Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu State Co-operative Election Commission,
273, Annasalai,
Teynampet,
Chennai-600 018.
- 2.The Director,
(Sugar Department),
Periyar Maligai,
No.690, Annasalai,
Nanthanam,
Chennai.
- 3.The District Collector,
Madurai District,
Madurai.
- 4.The District Election Officer,
National Co-operative Sugar Mills Ltd.,
B.Mettupatti,
Madurai District.
- 5.The Election Officer,
A-2731 National Co-operative Sugar Mills Ltd.,
B.Mettupatti,
Madurai District.
- 6.A-2731 National Co-operative Sugar Mills Ltd.,
Represented through its Special Officer,
B.Mettupatti,
Madurai District.

: Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned list in Form 20 of the Co-operative Societies Act dated 09.10.2018 issued by the fifth respondent and quash the same on the ground of arbitrary exercise of power and violation of the Constitutional mandate and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently directing the respondents to conduct the free and fair election to the Society namely A-2731 National Co-operative Sugar Mills Ltd., at B.Mettupatti, Madurai District and to grant such other or further relief as this Court may deem fit and proper in the circumstances of this case.

For Petitioner : Mr.K.Ravi
 For Respondents : Mr.K.Chellapandian,
 Additional Advocate General,
 Assisted by Mr.A.K.Baskarapandian,
 Special Government Pleader

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The sum and substance of the grievance of the petitioner is that the nomination accepted was said to have been withdrawn though no such consent has been given.

2. The learned Additional Advocate General, on instructions, would submit that the petitioner has given such consent.

3. We do not find anything on record to show that the nomination has been withdrawn. If the nomination is in fact withdrawn, there is no need for the petitioner to come before this Court, that too, after his acceptance. Thus, in the absence of any contra material, we are inclined to allow the Writ Petition by directing the respondents to proceed further by treating the nomination of the petitioner as the valid one. The respondents are at liberty to fix their own schedule for further conduct of the election.

4. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
 Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)



To

1. The Commissioner,
Tamil Nadu State Co-operative Election Commission,
273, Annasalai,
Teynampet,
Chennai-600 018.

2. The Director,
(Sugar Department),
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Nanthanam,
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3. The District Collector,
Madurai District,
Madurai.

4. The District Election Officer,
National Co-operative Sugar Mills Ltd.,
B.Mettupatti,
Madurai District.

5. The Election Officer,
A-2731 National Co-operative Sugar Mills Ltd.,
B.Mettupatti,
Madurai District.

+1cc to Mr.K.Ravi, Advocate in SR No.91073
+1cc to Spl Government Pleader, SR No.91664

W.P. [MD] .No.21534 of 2018

NM/SKN/SAR I/25.11.18/3P/8C