



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2018

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.7305 of 2018

and

W.M.P.(MD)No.6994 of 2018

Ram Prasad

: Petitioner

Vs.

1.The Co-operative Sub Registrar,
Aruppukottai cum Returning Officer for
S.P.S.P.L. 175 - Salaimaraikulam Primary Agricultural
Co-operative Credit Society Ltd.,
Salaimaraikulam,
Virudhunagar District.

2.The Special Officer,
S.P.S.P.L. 175 - Salaimaraikulam Primary Agricultural
Cooperative Credit Society Ltd.,
Salaimaraikulam,
Virudhunagar District.

3.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing first respondent to allow the petitioner accompanied by her Advocate to file her nomination papers for the election to the office of the second respondent society and video graph the filing of the nomination papers and the scrutiny of the nomination papers of the petitioner and direct the third respondent to give police protection to the petitioner and her Advocate at the time of filing the nomination, scrutiny of the nomination papers and during the election dated viz., 16.04.2018, 17.04.2018 and 23.04.2018.

For Petitioner : Mr.V.Kannan
For Respondent No.1 : Mr.U.Karunakaran
For Respondents 2 & 3 : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.S.Nagarajan
Special Government Pleader



O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing first respondent to allow the petitioner accompanied by her Advocate to file her nomination papers for the election to the office of the second respondent society and video graph the filing of the nomination papers and the scrutiny of the nomination papers of the petitioner and direct the third respondent to give police protection to the petitioner and her Advocate at the time of filing the nomination, scrutiny of the nomination papers and during the election dated viz., 16.04.2018, 17.04.2018 and 23.04.2018.

2.Mr.U.Karunakaran, learned Counsel takes notice for the first respondent and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.S.Nagaraj, learned Special Government Pleader takes notice for the second and third respondents.

3.By consent of both parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

4.Though, the petitioner has sought for several directions, the learned Counsel appearing for the petitioner submitted that he would be satisfied if a direction is given to the respondents to conduct the election in a fair and transparent manner.

5.In view of the fact that the elections are scheduled to be held on 16.04.2018, 17.04.2018 and 23.04.2018, this Court is inclined to point out that free and fair Elections are the cardinal principles of the democratic institutions and as such the respondents cannot deviate the procedures contemplated under the Tamilnadu Co-operative Societies Rules, during the course of conducting the election process.

6.In view of the above, there shall be a direction to the respondents to conduct the elections for the post of the Office bearers of the respondent Society in a fair and transparent manner as per the election schedule announced in the notification, dated 05.03.2018.

7.With the above direction, this writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/



To

1.The Co-operative Sub Registrar,
Aruppukottai cum Returning Officer for
S.P.S.P.L. 175 - Salaimaraikulam Primary Agricultural
Co-operative Credit Society Ltd.,
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3.The Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.

+1CC to Mr.V.Kannan, Advocate, SR.No. 60182

ORDER MADE IN
W.P. (MD) No.7305 of 2018
06.04.2018

MR

AM/SV MMS/SAR 4/06.04.2018/3P/5C