



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2018

C O R A M

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.6171 of 2018

and

WMP(MD) Nos.6016 & 6017 of 2018

Tamil Nadu Manila Thodakka Kooturavu
Vangi Anaithu Paniyalargal Sangam,
SAT 383, through its Honorary General Secretary,
C.Kuppusamy, S/o.Chellappa Kounder,
55/7. T.N.N.G.O. Union Building,
Kailasa Puram, Tirunelveli Junction,
Tirunelveli - 1.

.. Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
273, Annasalai,
Thenampettai,
Chennai - 18.

2.The Registrar of Co-operative Societies,
170, EVR High Road,
Kilpauk, Chennai - 10.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the passing of the impugned communication for election program by the first respondent in his proceedings Na.Ka.No.326/2018/Kuu.Thay.1 dated 05.03.2018 in so far as the clause giving only one day in column 9 of annexure to receive nomination papers on 26.03.2018, 31.03.2018, 09.04.2018 and 16.04.2018 each day from 10.00 am to 05.00 pm in the annexure attached with the impugned communication of election program in column 9 alone is concerned quash the same and consequently, direct the respondents to give five days minimum for reception of nomination papers and to conduct fair and democratic election as mandatory by 97th Constitutional Amendment Act under Section 43B.

For Petitioner : Mr.P.Senthurpandian

For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

O R D E R

This writ petition has been filed challenging the election notification issued by the first respondent for conducting election to various Co-operative Societies in the State of Tamil Nadu.

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2. I have heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents.

3. The petitioner filed the writ petition challenging the above notification, only in respect of time granted to the contesting candidates to file their nomination. According to the petitioner, as per election notification only one day time was granted for filing the nomination papers, which is not sufficient, as there are nearly 4000 members in the society, and many members are interested in contesting the election.

4. A perusal of the election notification, it is seen that the election notification has been issued for conducting election, fixing dates for various stages, from publishing draft voters list to declaration of results. Now the grievance of the petitioner is that only one day was fixed for filing nomination, which is not sufficient. But the contention of the petitioner cannot be accepted for a simple reason that even the Society is having more than 4000 members, only few members are likely to contest the election and file nomination, which will not take much time. Even assuming that all the members of the society are willing to contest in the election, the election Officers will accept the nomination till the last person files his nomination papers.

5. In the above circumstances, the apprehension of the petitioner is totally misconceived. I find no merits in this writ petition.

6. With the above observation, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
273, Annasalai,
Chennai - 18.



2.The Registrar of Co-operative Societies,
170, EVR High Road,
Kilpauk, Chennai - 10.

+1cc to M/S.P.Senthurpandian, Advocate SR.No. 57344

+1cc to Special Government Pleader, SR.No. 57636

W.P. (MD) No. 6171 of 2018
22.03.2018

rm

JM/SKN RSK/SAR 3/12.04.2018/3P/5C