



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

W.P.[MD].No.7036 of 2018 and
W.M.P.[MD].Nos.6743 & 6744 of 2018

C.Arumugam

: Petitioner

Vs.

1. The Commissioner,
Tamil Nadu State Cooperative Societies,
Election Commission,
No.273 Anna Salai, Teynampet,
Chennai.

2. The District Election Officer,
Madurai.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in their proceedings No.NIL published in the newspaper Daily Thanthi dated 12.03.2018 for the co-operative election in Madurai District and quash the same as illegal and to further direct the 2nd respondent to conduct election in a fair and proper manner as per section 52(6)(a) of Tamil Nadu Co-operative Societies Rules, 1988.

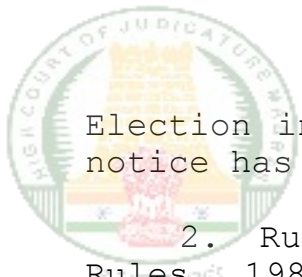
For Petitioner : Mr.Veera Kathiravan,
Senior Counsel
for Mr.M.Jegadeesh Pandian

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

ORDER

[Order of the Court was made by The Hon'ble Chief Justice]

This writ petition, by way of Public Interest Litigation, has been filed for orders in the nature of writ of Certiorarified Mandamus calling for the records on the file of the second respondent in their proceedings No.NIL, published in the Newspaper - Daily Thanthi, dated 12th March, 2018, for the Co-operative Society



Election in Madurai District. The challenge is on the ground that notice has not been published clear 30 days in advance.

2. Rule 52(6)(a) of the Tamil Nadu Co-operative Societies Rules, 1988 (hereinafter referred to as 'the Statutory Rules'), provides that the District Election Officer or the Election Officer shall send notice of election to the members, who, on the date 30 days prior to the date of poll, were the members of the Society. The requisites of the notices are stipulated in sub-rules 6(a)(i) to 6(a)(v) to Rule 52 of the Statutory Rules. Sub-rule 6(b) to Rule 52 of the Statutory Rules provides that the election notice is to be sent at least 15 days prior to the date of the poll, by one or more of the modes stipulated under the said Rule.

3. On a perusal of sub-rule 6(a) to Rule 52 of the Statutory Rules, it is patently clear that the same does not pertain to the notice period, but, refers to the category of members to whom notice is to be separately sent - they are the members, who, on the date 30 days prior to the date of poll, were members of the Society. In other words, there is no requirement to send notice to a member, who was not such a member at least 30 days prior to the date of the poll. The period of notice is stipulated in sub-rule 6(b) to Rule 52 of the Statutory Rules, i.e. notice of 15 days.

4. The writ petition is misconceived and the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Tamil Nadu State Cooperative Societies
Election Commission,
No.273 Anna Salai, Teynampet
Chennai.

2. The District Election Officer, Madurai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59303

RR/GK

TE/SKN-RSK/SAR-3 : 12/04/2018 : 2P/4C