



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.05.2018

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THE HONOURABLE Mr. JUSTICE S.S.SUNDAR
and
THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

W.P.(MD) Nos.10612, 10613, 10614, 10615 & 10616 of 2018
and W.M.P.(MD) Nos.9689, 9690, 9691, 9692 & 9693 of 2018

S.Ganesan ...Petitioner in W.P.(MD) No.10612 of 2018
K.R.Murugappan ...Petitioner in W.P.(MD) No.10613 of 2018
SP.Seviappan ...Petitioner in W.P.(MD) No.10614 of 2018
A.L.Palanisamy ...Petitioner in W.P.(MD) No.10615 of 2018
M.Ramalakshmi ...Petitioner in W.P.(MD) No.10613 of 2018

Vs.

1.The Commissioner,
Co-Operative Society Election Commission,
Chennai.

2.The Joint Registrar of Co-Operative Society,
Sivagangai.

3.The Deputy Registrar of Co-Operative Society,
Karaikudi,
Sivagangai District.

4.Govindaraj,
Election Officer,
SP(SPL) 2, Primary Agriculture Credit
Co-Operative Society,
Kundrakudi, Sivganganai District.

5.SP(SPL) 2, Primary Agriculture Credit
Co-Operative Society,
Kundrakudi, Sivganganai District
Rep.by its Secretary.

...Respondents in all W.Ps.

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 4 to permit the petitioners to contest the 5th respondent Co-Operative Societies' Election, 2018 in the light of the order passed by this Court in W.P.(MD) No.7575 of 2018 dated 06.04.2018.



For Petitioners
(in all W.Ps.)
For Respondents
(in all W.Ps.)

: Mr.K.P.Narayanakumar
: Mr.K.Chellapandian, A.A.G.
Assisted by Mr.V.Ananth
Government Advocate

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COMMON ORDER

(Common Order of the Court was made by S.S.SUNDAR, J.)

By consent, Writ Petition itself, is taken up for final disposal.

2.Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.V.Anand, learned Government Advocate takes notice for respondents.

3.These Writ petitions have been filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 to permit the petitioners to contest in the 5th respondent Co-Operative Societies' Election, 2018 in the light of the order passed by this Court in W.P.(MD)No.7575 of 2018 dated 06.04.2018.

4.In a similar Writ Petition in W.P.(MD)No.7575 of 2018 filed by yet another candidate in respect of the same Society, this Court has passed an order on 06.04.2018, as follows:

"10. On a comparative reading of the provisions of Rule 52(7)(a) and 52(9)(a), (b) and (c), which refer to constituencies and Rule 52(9)(d), (e), and (f), it is patently clear that there is a difference between constituency and reserved seats. There may be reserved seats for Women, for members of the Scheduled Caste or for other specific groups, but constituency refers to the area.

11. We also noticed, on perusal of the records that almost all the 11 candidates whose names have been published in the final list, had first filled in the name of the place in the column meant for constituency, which was later struck out and caste, group and/or sex inserted. Pencil arrows reveal that in one or two cases, the column left blank may have been filled up later.

12. Name of the constituency, if any, cannot possibly mean reserved seats. The use of the expression 'if any' is significant. The column would have to be filled in only if applicable, that is, in a case of election from multiple constituencies.

13. We find that the form filled in by the petitioner is perfectly in order. The petitioner shall be allowed to contest. A fresh list of candidates shall immediately be published including the name of the



5. The learned Additional Advocate General submits that the respondent will accept the nominations from the respective petitioners, in case the same had been filed by the petitioners and rejected by the respondents on the ground of non-filling of column No.2 (Constituency) by the petitioners.

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6. Accordingly, these Writ petitions are allowed, directing the respondents to permit the petitioners to contest in the election in the 5th respondent Cooperative Society, in case, the nomination of the petitioners were rejected only on the ground that they have not filled the column No.2 (Constituency) in the nomination form, as directed by this Court in W.P.(MD)No.7575 of 2018. No costs. Consequently, connected W.M.Ps. are closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Co-Operative Society Election Commission,
Chennai.
2. The Joint Registrar of Co-Operative Society,
Sivagangi.
3. The Deputy Registrar of Co-Operative Society,
Karaikudi,
Sivagangai District.

+5cc to M/S.K.P.Narayanakumar, Advocate SR.No. 65095

W.P. (MD) Nos.10612, 10613, 10614,
10615 & 10616 of 2018
03.05.2018

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