



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.05.2018**

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. [MD].No. 10632 of 2018

and

W.M.P. (MD)No. 9707 of 2018

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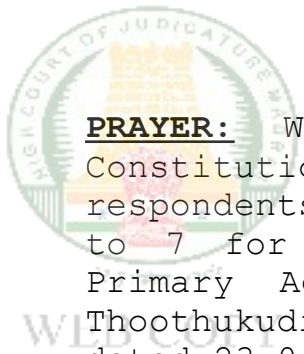
Rooswelt

: Petitioner

Vs.

1. The Election Commissioner,
The Tamil Nadu State Cooperative Societies,
Election Commission,
Teynampet, Chennai - 600 018.
2. The District Election Officer/
Join Registrar of Cooperative Societies,
Thoothukudi District.
3. The District Collector,
Thoothukudi District, Thoothukudi.
4. The Election Officer,
No.0787, Veppalodai Primary Agricultural
Co-operative Credit Society,
Veppalodai, Kovilpatti Circle,
Thoothukudi District.
5. P.T.R Rajagopal, President,
No.0787, Veppalodai Primary Agricultural
Co-operative Credit Society,
Veppalodai, Kovilpatti Circle,
Thoothukudi District.
6. Kanagaraj @ Chokkar,
Vice President,
No.0787, Veppalodai Primary Agricultural
Co-operative Credit Society,
Veppalodai, Kovilpatti Circle,
Thoothukudi District.
7. Kennady, Secretary,
No.0787, Veppalodai Primary Agricultural
Co-operative Credit Society,
Veppalodai, Kovilpatti Circle,
Thoothukudi District.

: Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents-1 & 2 and 4 to take action against the respondents-5 to 7 for the illegal act in the Society No.0787, Veppalodai Primary Agricultural Co-operative Credit Society, Veppalodai, Thoothukudi District, based on the petitioner's representation dated 23.04.2018.

For Petitioner	: Mr.N. Madhava Govindan
For Respondents-1 & 2	: Mr.Muruganantham Additional Government Pleader
For Respondents-3	: Mr.M.Rajarajan Government Advocate

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

The petitioner claims to have filed the Writ petition in public interest.

2. According to the petitioner, the private respondents herein, who are officer bearers the Society No.0787, Veppalodai Primary Agricultural Co-operative Credit Society, Veppalodai, Kovilpatti Circle, Thoothukudi District, have indulged in defalcation of the funds of the Society. He, therefore, submitted a representation dated 23.04.2018 calling upon the respondents 1, 2 and 4 to take action against them.

3. Heard the learned counsel appearing for the petitioner.

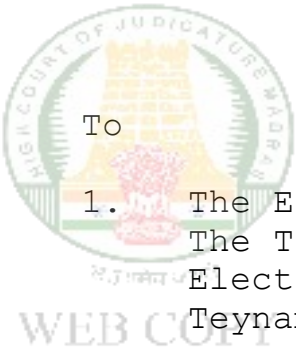
4. The first respondent is the Election Commissioner, while the second and fourth respondents are the Election Officers. Their function pertains only to electoral process. If any defalcation of the funds of the Society have taken place, the remedy open to the writ petitioner is elsewhere and before some other authority. The authorities mandated to carry out the election process cannot look into allegations of this sort. They will have no jurisdiction over the issue. In this view of the matter, no relief can be granted in this writ petition, as against the respondents 1, 2 and 4.

4. The Writ Petition stands dismissed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer

/True Copy/



To

1. The Election Commissioner,
The Tamil Nadu State Cooperative Societies,
Election Commission,
Teynampet, Chennai - 600 018.

2. The District Election Officer/
Join Registrar of Cooperative Societies,
Thoothukudi District.

3. The District Collector,
Thoothukudi District, Thoothukudi.

+1cc to Spl.Government Pleader Sr.No.65278

+1cc to Mr.N. Madhava Govindan, Advocate Sr.No.65314

KSA/RR

VB/RSK/SKN/SAR1/08/06/2018/3P/6C

ORDER MADE IN
W.P. [MD] .No. 10632 of 2018
09.05.2018