



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

WEB COPY

W.P. (MD) No.21560 and 21561 of 2018
and W.M.P. (MD) No.19458 to 19460 of 2018 in W.P. (MD) No. 21560 of
2018 and W.M.P. (MD) No.19461 to 19463 of 2018 in W.P. (MD) No. 21561
of 2018

Thirupathi ... Petitioner in W.P.(MD) No.21560 of 2018
Palanichami ... Petitioner in W.P.(MD) No.21561 of 2018

-vs-

- 1.The Joint Registrar / The District Election Officer,
Madurai District Co-operative Society,
Madurai District.
- 2.The Deputy Registrar / The District Election Officer,
Madurai District Co-operative Society,
Madurai District.
- 3.The Secretary / The Election Officer,
MU5 Vadipatti Agricultural Producers
Co-operative Marketing Society,
Sholavanthan,
Madurai District.
- 4.R.Thanalakshmi
- 5.A.Chilnaal Cathrin
- 6.M.Mathavi
- 7.R.Thirisangu
- 8.N.Sundarambal
- 9.Chellapandi
- 10.R.Karthik
- 11.S.Ramasamy ... Respondents in both petitions
(R4 to 11 are impleaded vide Court
order dated 01.11.2018 in W.M.P.(MD)
Nos.19893 and 19892 of 2018)

COMMON PRAYER : Petitions filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorarified
Mandamus, calling for the records on the file of the 3rd respondent
in his proceedings No.NIL / selected list of candidates to the 3rd
respondent society dated 08.10.2018 and quash the same as illegal
and to further direct the 3rd respondent to re-scrutinize the
application of the petitioners in a free, fair and proper manner as
per section 52(8)(d)(e), (f) and (g) of Tamil Nadu Co-operative



Societies Rules, 1988 and conduct the election in a free and fair manner.

For Petitioner in both
petitions

: Mr.M.Gegadeesh Pandian
for M/s.K.Anbarasan

For Respondents 1 to 3
in both petitions

: Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.A.K.Baskarapandian
Special Government Pleader

For Respondents 4 to 11 :
in both petitions

Mr.Mr.K.S.Durai Pandian

COMMON ORDER

(Order of the Court was made by P.D.AUDIKESSAVALU, J.)

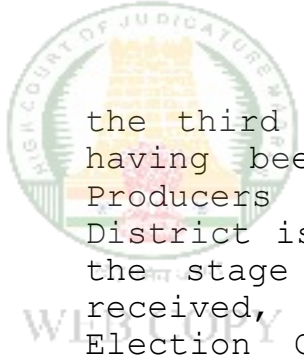
According to the petitioners, they had submitted their nominations for the post of Director in the election that was to be conducted for the Board of Directors of MU5 Vadipatti Agricultural Producers Cooperative Marketing Society, Sholavanthan, Madurai District on 06.10.2018. During the scrutiny on 08.10.2018 their nominations were rejected. It is complained by the petitioners that no scrutiny had been conducted by the third respondent as per Rule 52(8) (e) of Tamil Nadu Cooperative Society Rules, 1988. In such circumstances, the Petitioners have approached this Court challenging the proceeding of the Election Officer dated 08.10.2018, declaring the unanimous election of the fourth to eleventh respondents and for consequential direction to conduct election afresh.

2. When the matter was taken up for hearing before this Court, the third respondent has appeared in person and has produced the proceedings dated 28.11.2018 issued by him as Election Officer, in which it has been stated as follows:

"With regard to plea made in the writ petition in W.P. (MD) No.21560 of 2018 filed before the Hon'ble Madurai Bench of Madras High Court and in pursuance to the Rule 52(8)(e) of the Tamil Nadu Cooperative Societies Rules, 1988. I hereby withdraw my earlier notification dated 09.10.2018 declaring elected 11 candidates to the Board of Directors of Secretary/Election Officer, MU5 Vadipatti Agricultural Producers Cooperative Marketing Society, Sholavanthan, Madurai District"

In the affidavit filed along with the said proceedings the third respondent has stated that he had rejected the nominations of the Petitioners without calling the proposer and seconder of the petitioners' nomination for the verification of their signatures.

3. In view of the aforesaid submissions made by the third respondent, the impugned notification dated 08.10.2018 published by



the third respondent declaring fourth to eleventh respondents as having been elected as Director of MU5 Vadipatti Agricultural Producers Cooperative Marketing Society, Sholavanthan, Madurai District is set aside. The election process shall be conducted from the stage of scrutiny of nominations, which have already been received, as per the new time schedule to be announced by the Election Commission for Tamil Nadu Cooperative Societies. The aforesaid exercise, which shall be fully video-graphed, shall be completed and a compliance report in that regard shall be submitted to the Registrar (Judicial) of this Court by 31.12.2018.

4. These Writ Petitions are allowed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No Costs.

Sd/
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Joint Registrar / The District Election Officer,
Madurai District Co-operative Society,
Madurai District.
- 2.The Deputy Registrar / The District Election Officer,
Madurai District Co-operative Society,
Madurai District.
- 3.The Secretary / The Election Officer,
MU5 Vadipatti Agricultural Producers
Co-operative Marketing Society,
Sholavanthan,
Madurai District.

Copy to

The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

+2cc to Mr.K.S.DURAIPANDI, Advocate, SR.No. 97753,97752
+2cc to Mr.M.JEGADEESH PANDYAN, Advocate, SR.No. 97993,97994

W.P. (MD) No.21560 and 21561 of 2018
28.11.2018

SJ
KK/SV/SAR-4/30.11.2018/3P-9C