



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2018

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

and

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

W.P. (MD) No. 21633 of 2018

and

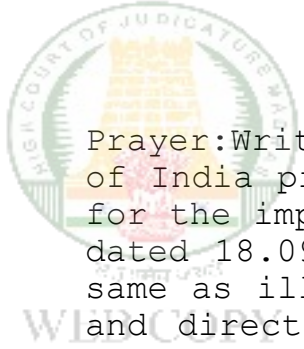
W.M.P. (MD) Nos. 19539 and 19540 of 2018

D.Sathaiya

:Petitioner

Vs.

- 1.The Commissioner,
Tamil Nadu Cooperative Societies Election Commission,
Chennai - 18.
- 2.The Joint Registrar of Cooperative Societies,
The Office of the Joint Registrar of Cooperative Societies,
Pudukottai District.
- 3.The Deputy Registrar of Cooperative Societies
/ The District Election Officer,
The Office of the Registrar of Cooperative Societies,
Pudukottai District.
- 4.The Election Officer,
T.826, Aranthagi Taluk Agricultural Producers
Cooperative Marketing Society,
Aranthangi Taluk, Pudukottai District.
- 5.The Electoral Officer,
T.826, Aranthagi Taluk Agricultural Producers
Cooperative Marketing Society,
Aranthangi Taluk, Pudukottai District.
- 6.The President,
T.826, Aranthagi Taluk Agricultural Producers
Cooperative Marketing Society,
Aranthangi Taluk, Pudukottai District.
- 7.The Election Officer,
T.A.71, Mimisal Primary Agricultural Cooperative Credit Society,
Mimisal, Pudukottai District.



Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the impugned Election Plan Notification under Proceeding No. Nil, dated 18.09.2018 on the file of the first respondent and quash the same as illegal as far as the sixth respondent society is concerned and direct the respondents to postpone the election of the sixth respondent society, till the finality of the Election dispute raised as far as seventh respondent society.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by
Mrs.S.Srimathy,
Special Government Pleader
for R.1 to R.5 & R.7

ORDER

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

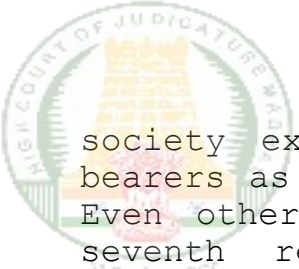
This writ petition is filed seeking issuance of a Writ of Certiorari to quash the impugned Election Plan Notification under dated 18.09.2018 passed by the first respondent, insofar as the sixth respondent society is concerned and to direct the respondents to postpone the election of the sixth respondent society, till the finality of the Election dispute raised in respect of the seventh respondent society.

2. Heard the learned Counsel appearing for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mrs.S.Srimathy, learned Special Government Pleader, who takes notice for respondents 1 to 5 & 7.

3. The learned Counsel appearing for the petitioner submits the election to the sixth respondent society should be postponed till the election dispute in respect of the seventh respondent society is decided, in one way or the other. It is the case of the petitioner that the elected members of the seventh respondent society can also participate in the election to the sixth respondent society. Stating that this Court has granted stay of the election in respect of seventh respondent society, the writ petition is filed.

4. The learned Additional Advocate General appearing for the official respondents submits that similar issue has been decided by this Court in a connected writ petition in W.P.(MD)No.20488 of 2018.

5. Be that as it may, when the process of election is set in motion, this Court normally will not interfere in the middle. In this case, the petitioner's contention that the election to the sixth respondent society should be stalled because of the stay that has been granted by this Court in respect of another society cannot be accepted, for the simple reason that the seventh respondent



society exist even without an election. Hence, with the office bearers as on date, the election of the sixth respondent can go on. Even otherwise, if for any reason there was no election to the seventh respondent society, the administration of the sixth respondent society, in accordance with by-laws, cannot be stalled.

6. The writ petition is devoid of any merits and hence, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd
ASSISTANT REGISTRAR (RECORDS)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS IV)

ssl/gk

To

- 1.The Commissioner,
Tamil Nadu Cooperative Societies Election Commission,
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The Office of the Joint Registrar of Cooperative Societies,
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Aranthangi Taluk, Pudukottai District.
- 6.The Election Officer,
T.A.71, Mimisal Primary Agricultural Cooperative
Credit Society, Mimisal, Pudukottai District.

1CC TO MR.K.R. LAXMAN, ADVOCATE SR 90899
1CC TO THE SPL GOVT PLEADER SR 90978