



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.21717 of 2018

and

W.M.P (MD) Nos.19638 to 19640 of 2018

R.Vijayaraj

... Petitioner

Vs.

- 1.State of Tamilnadu,
Rep. by its Principal Secretary,
Department of Animal Husbandry,
Dairying and Fisheries, Chennai - 9.
- 2.The Election Commissioner,
State Co-operative Election Commission,
Chennai.
- 3.The Registrar of Cooperative Society,
Chennai.
- 4.The Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli.
- 5.The District Election Officer/Deputy Registrar,
O/o.The District Election Officer, (Full in-charge),
Collectorate Campus, Kokarakulam,
Tirunelveli, Tirunelveli District.
- 6.TYD 245, Tirunelveli District,
Cooperative Milk Producers Cooperative Society,
Rep. by the Election Officer,
Reddiarpatti, Tirunelveli District.
- 7.The Registrar,
Special Committee for Co-operative Election Disputes,
South Zone, Tirunelveli District.
- 8.N.Chinnadurai
- 9.S.Marimuthu
- 10.C.Inimai Vasuki
- 11.S.Muthuselvi
- 12.A.Kulanthalammal @ Yovannan
- 13.A.Ramalakshmi



14.S.Sridevi Nattar
15.N.Parvathy
16.S.Ramesh
17.R.Senthilkumar
18.A.Ganapathy
19.T.Rajalingam
20.C.T.Chellapandian
21.T.Sudalai
22.K.Neelakandan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration to declare the entire election process commencing pursuant to the notification issued by the fifth respondent dated 19.09.2018 and the declaration of the election results on 09.10.2018 as illegal, null and void and consequently, directing the respondents 1 to 5 herein to conduct fresh election to the sixth respondent society by free and fair manner in accordance with Rule 52 of the Tamil Nadu Cooperative Society Rules.

For Petitioner : Mr.C.Jeganathan
For R-1, R-6 & R-7 : Mr.A.K.Baskarapandian,
Special Government Pleader

ORDER

[Order of the Court was made by T.RAJA, J.]

This writ petition has been filed for issuance of a Writ of Declaration, to declare the entire election process commencing pursuant to the notification issued by the second respondent dated 19.09.2018 and the declaration of the election results on 09.10.2018, as illegal, null and void and consequently, to direct the respondents 1 to 5 herein to conduct fresh election to the sixth respondent society in a free and fair manner in accordance with Rule 52 of the Tamil Nadu Cooperative Societies Rules, 1988.

2. Learned counsel appearing for the petitioner submitted that when the election notification was issued by the Election Officer, the second respondent herein fixing the various dates commencing from the date of filing of the nomination till the date of declaration of results, the petitioner submitted his nomination papers along with other nominees, for the Post of Director of sixth respondent - Society on 06.10.2018 and the same was also duly received. But, all of a sudden, without rejecting or accepting the nomination papers, they have released the final list of eligible candidates on 08.10.2018. Thereafter, the elections were also hurriedly held on 16.10.2018 for the officer bearers of the society, namely, President and Vice President etc., and that indicates that the entire election process that was set in motion by the official respondents 1 to 6 was badly motivated. The respondents 1 to 7 without adhering to Rules 53 and 52 of the Tamil Nadu Cooperative Societies Rules, 1988, proceeded with the election process flouting



the democratic principles and norms and elected wrong candidates. Therefore, the entire election process is to be declared as illegal.

3. Learned Special Government Pleader appearing for the respondents 1, 6 and 7, submitted that the petitioner has not even come with clean hands. Because, he has not even shown any proof for filing of nomination papers to the post of Director of the sixth respondent society. When the Election Officer had issued the receipts to all the 54 candidates on the date of receipt of nomination papers, it is far from acceptance to make a statement that the petitioner had submitted his nomination on 06.10.2018 without producing any proof thereof. In any event, when final list of candidates was released on 08.10.2018, had the petitioner been aggrieved by looking at the final list that his name is not shown in the list, he could have at least made a representation before the authorities immediately. But, that has not been done by the petitioner and that shows that the petitioner has come to this Court without any justification.

4. We have heard the submissions made on either side and perused the materials placed before us.

5. Firstly, we find that there is no proof for filing nomination claimed to be filed by the petitioner. Secondly, the election also took place electing the office bearers of the society on 16.10.2018. Therefore, the prayer for issuance of a Writ of Declaration to declare the entire election process commencing from the date of issuance of notification as null and void, is wholly untenable and unjustifiable.

6. In view of the above, the only remedy available to petitioner is before the Election Tribunal. Therefore, the petitioner has to work out his remedy by approaching the Election Tribunal under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983, within sixty days.

7. With these observations, the writ petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

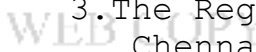
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Principal Secretary State of Tamilnadu,
Department of Animal Husbandry,
State of Tamil Nadu,
Dairying and Fisheries,
Chennai - 9.



4. The Joint Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli.

5. The District Election Officer/Deputy Registrar,
O/o. The District Election Officer, (Full in-charge),
Collectorate Campus, Kokarakulam,
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6.The Election Officer TYD 245,
Tirunelveli District
Cooperative Milk Producers Cooperative Society,
Reddiarpatti, Tirunelveli District.

7.The Registrar,
Special Committee for Co-operative Election Disputes,
South Zone, Tirunelveli District.

+1CC to M/s.Veera Associates, Advocate, SR.No.91814
+1CC to the Special Government Pleader SR.No.91800

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24.10.2018

PM
ES/SKN/RSK/SAR 1/20.11.2018/4P/10C