



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM:

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH

and

THE HONOURABLE Mr. JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18502 of 2018

and

W.M.P.(MD) No.16402 of 2018

C.Niranjan

... Petitioner

Vs.

1.The Election Commissioner,
Tamil Nadu State Co-operative Societies,
No.273, Annasalai, Thenampet,
Chennai-18.

2.The District Election Officer/Deputy Registrar (Housing),
Madurai Region, Madurai.

3.The Election Officer,
A-1998, Thirumangalam Co-operative Building Society,
Thirumangalam, Madurai District.

4.A-1998, Thirumangalam Co-operative Building Society,
Thirumangalam, Madurai District,
Represented by its Secretary.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents in anyway held election for the post of President and Vice President for A-1998 Thirumangalam Co-operative Housing Society Limited, Thirumangalam, Madurai District on 24.08.2018 or any other future date and consequently direct the respondents 1 -3 to declare the result of the election dated 21.08.2018 conducted for the post of President & Vice president for the 4th respondent society within the period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.K.Chellapandian, AAG assisted by
Mr.A.K.Baskarapandian, Spl.G.P.

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The present Writ petition has been filed with the allegation that without any reason, the election was postponed on the earlier occasion and thereafter, sought to be conducted today ie., on 24.08.2018.



2.The learned Additional Advocate General appearing for the respondents would submit that as there was a law and order problem on the earlier occasion, the election was stopped and nomination is proposed to be filed today and the same was informed by way of intimation. Even in the intimation, the contestants were informed that election will be conducted on 24.08.2018.

3.Admittedly, the election to the Board of Directors was already over. What we are concerned is only with regard to the election for the President, Secretary and other office bearers. We cannot go into the factual dispute with respect to the existence of the law and order problem in the case. Now the petitioner himself is one of the nominee to the post of President. Therefore, we are not inclined to entertain this Writ petition. Accordingly, this Writ petition stands dismissed. However, liberty is given to the petitioner to participate in the election. The Election Officers shall undertake video-graph of the entire process. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

- 1.The Election Commissioner,
Tamil Nadu State Co-operative Societies,
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Chennai-18.
- 2.The District Election Officer/Deputy Registrar (Housing),
Madurai Region, Madurai.
- 3.The Election Officer,
A-1998, Thirumangalam Co-operative Building Society,
Thirumangalam, Madurai District.
- 4.The Secretary,
A-1998, Thirumangalam Co-operative Building Society,
Thirumangalam, Madurai District.

+1cc to M/S.N.Sathish Babu, Advocate SR.No.79906

+1cc to Special Government Pleader, SR.No. 80334

W.P. (MD) No.18502 of 2018

and

W.M.P. (MD) No.16402 of 2018

24.08.2018