



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
AND
THE HONOURABLE MR.JUSTICE **N.SATHISH KUMAR**

W.P. (MD) Nos.17730/2018, 17793/2018, 17822/2018, 17827/2018,
17828/2018, 17845/2018, 17850/2018, 17851/2018, 17863/2018,
17864/2018, 17869/2018 and 17872/2018 and
W.M.P. (MD) .Nos.15618, 15619, 15673, 15674, 15691, 15692, 15693,
15704, 15705, 15706, 15707, 15708, 15709, 15710, 15721, 15722,
15723, 15732, 15733, 15734, 15735, 15747, 15748, 15749, 15756, 15757
and 15758/2018

W.P. (MD) Nos.17730/2018

R.V.Jeyaraman

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner,
Department of Industries and Commerce,
Chepauk,
Chennai -5.
3. The District General Manager,
District Industries Centre,
Alagarkovil Road,
Madurai -2.
4. The Election Officer,
The Madurai District Printers Service,
Industrial Co-operative Society Limited,
I.C.Complex,
Industrial Estate,
Madurai 625 007.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the 4th respondent in his proceedings in No.399/ThoKoo/2017, dated 06.08.2018 declaring the election results to the Administrative Board of Madurai District Printers Service, Industrial Co-operative Society Limited (MADPICO - OP Society) on 07.08.2018.



WP (MD). 17793/ 2018:

V.S.MARIAPPAN

... Petitioner

-Vs.-

1 THE DISTRICT ELECTION OFFICER
CUM DEPUTY REGISTRAR,
TAMIL NADU CO-OPERATIVE SOCIETIES,
TENKASI, TIRUNELVELI DISTRICT.

2 MUTHUSAMY, S/O.NOT KNOWN,
DISTRICT ELECTION OFFICER CUM DEPUTY REGISTRAR,
TAMIL NADU CO-OPERATIVE SOCIETIES, TENKASI,
TIRUNELVELI DISTRICT.

3 THE ELECTION OFFICER,
A-66 CHINTHAMANI PRIMARY AGRICULTURAL
CO-OPERATIVE CREDIT SOCIETY, CHINTHAMANI,
PULIANGUDI TALUK, TIRUNELVELI DISTRICT.

4 CHELLASAMY, S/O.NOT KNOWN,
CO-OPERATIVE SUB REGISTRAR CUM ELECTION OFFICER,
CHINTHAMANI, PULIANGUDI TALUK,
TIRUNELVELI DISTRICT.

5 THE SECRETARY,
A-66 CHINTHAMANI PRIMARY AGRICULTURAL
CO-OPERATIVE CREDIT SOCIETY, CHINTHAMANI,
PULIANGUDI TALUK, TIRUNELVELI DISTRICT.

6 MYDU KANI, S/O.VELU,
AMBEDKAR 3RD STREET, CHINTHAMANI,
PULIANGUDI TALUK,
TIRUNELVELI DISTRICT.

... Respondents

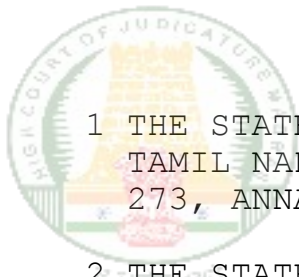
Prayer in WP(MD). 17793/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the Respondents to recount the votes in the presence of the Advocate Commissioner comparing with stumps (original ballot papers) in the A-66 Chinthamani Primary Agricultural Co-operative Credit Society, Chinthamani, Puliangudi, Kadayanallur Taluk, Tirunelveli District based on the Petitioners representation dated 07.08.2018.

WP (MD). 17822/ 2018:

S.SAHUL HAMEED

... Petitioner



1 THE STATE ELECTION COMMISSIONER,
TAMIL NADU CO-OP SOCIETIES ELECTION COMMISSION,
273, ANNA SALAI, THENAMPETTAI, CHENNAI.

2 THE STATE ELECTION OFFICER/ REGISTRAR,
TAMIL NADU CO-OP SOCIETIES ELECTION,
REGISTRAR OF CO-OP SOCIETIES, KILPAUK, CHENNAI.

3 THE DISTRICT ELECTION OBSERVER
JOINT REGISTRAR OF CO-OP SOCIETIES,
RAMANATHAPURAM DISTRICT, RAMANATHAPURAM.

4 THE DISTRICT ELECTION OFFICER
DEPUTY REGISTRAR OF CO-OP SOCIETIES,
PARAMAKUDI CIRCLE, RAMANATHAPURAM DISTRICT.

5 THE RETURNING OFFICER,
RR.1476, S.MARIYUR PRIMARY
AGRICULTURAL CO-OP CREDIT SOCIETIES,
MARIYUR, KADALADI TALUK, RAMANATHAPURAM.

... Respondents

Prayer in WP(MD). 17822/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Certiorari to call for the impugned proceedings of the 1st respondent vide Na.Ka.No.321/2018/Ku.The.1 dated 03.08.2018 and consequent 5th respondent impugned Elector List of R.R.1476, S.Mariyur Primary Agricultural Co-op Credit Society, Mariyur dated 07.08.2018 and to quash the same as illegal and arbitrary

WP(MD). 17827/ 2018:

R.ALAGUMALAI

... Petitioner

- Vs. -

1 THE COMMISSIONER ,
ELECTION COMMISSION FOR TAMILNADU CO-OPERATIVE SOCIETY,
273, ANNA SALAI, THENAMPET, CHENNAI.

2 THE DISTRICT ELECTION OFFICER/DEPUTY REGISTRAR,
O/O. THE DEPUTY REGISTRAR,
COLLECTORATE OFFICE, DINDIGUL,
DINDIGUL DISTRICT.

3 THE ELECTION OFFICER,
A-1392, BATLAGUNDU CO-OPERATIVE STORE,
BATLAGUNDU, DINDIGUL DISTRICT.

4 K.PUSHPAM

5 A.ROJA BEGAM

<https://hcservices.ecourts.gov.in/hcservices/>

6 P.SANTHI

7 R.PUSHPA



8 R.SELVAM
9 A.AKEEM
10 P.CHELLADURAI
11 S.PALANIYANDI
12 T.PANDIRADHA
13 M.PITCHAI
14 K.RATHINAM

... Respondents

Prayer in WP(MD). 17827/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari or any other appropriate writ or order or direction in the nature of writ calling for the records relating to the impugned list of Board of Directors of A -1392 Batlagundu Co-operative Store issued by the 3rd respondent vide his impugned proceedings Nil dated 07.08.2018 and consequential impugned proceedings to conduct further election issued by the 3rd respondent vide his proceedings Nil dated 07.08.2018 and quash the same as illegal.

WP(MD). 17828/ 2018:

R.ALAGU SARAVANAN

... Petitioner

-Vs-

1 THE DEPUTY REGISTRAR OF CO-OP SOCIETIES/
DISTRICT ELECTION OFFICER,
PARAMAKUDI CIRCLE, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

2 RP5, KOVILANKULAM PRIMARY AGRICULTURAL
CO-OP THRIFT SOCIETIES,
REP BY THE ELECTION OFFICER, KAMUTHI TALUK,
RAMANATHPURAM DISTRICT.

3 MR.C.CHELLADURAI, S/O CHELLAMUTHU,
ARIYAMANGALAM VILLAGE, KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT.

4 MR.M.MUNIYASAMY, S/O MUTHUMANI,
YERUMAIAKULAM VILLAGE, KAMUTHI TALUK,
RAMANATHAPURAM DISTRICT.

... Respondents

Prayer in WP(MD). 17828/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 06.08.2018 on the file of the Respondent No.2 and quash the same as illegal and consequently direction, directing the Respondents to conduct Fresh Election in respect of RP5, Kovilankulam Primary Agricultural Cooperative thrift Societies, Kamuthi Taluk, Ramanathapuram District, within the time stipulated.



WP (MD). 17845/ 2018:

P.MUNIYASAMY

... Petitioner

-Vs-

- 1 THE ELECTION COMMISSIONER,
TAMIL NADU STATE COOPERATIVE SOCIETIES,
ELECTION COMMISSION, NO.273, ANNA SALAI,
TEYNAMPET, CHENNAI 600 018.
- 2 THE DISTRICT ELECTION OFFICER/
JOINT REGISTRAR OF COOPERATIVE SOCIETIES,
VIRUDHUNAGAR DISTRICT.
- 3 THE ELECTION OFFICER,
SPSPL 17, NARIKUDI PRIMARY AGRICULTURE
CO-OPERATIVE CREDIT SOCIETY,
THIRUCHULI TALUK, VIRUDHUNAGAR DISTRICT.
- 4 N.BOSE, S/O.V.NATARAJAN,
PARTHIBANOR MAIN ROAD, NARIKUDI POST,
VIRUDHUNAGAR DISTRICT.
- 5 M.CHITHIKA BEEVI, W/O.MOHAMMED ISKAJ,
MARUTHUPANDIYAR STREET,
NARIKUDI POST, VIRUDHUNAGAR DISTRICT.
- 6 M.THILAGESHWARI, W/O.MARINATHAN,
N.MUKULAM VIA, NARIKUDI POST,
VIRUDHUNAGAR DISTRICT.
- 7 P.VEERA MANIKANDAN, S/O.PARATTAIYAN,
VARISAIYOOR, VEERACHOLAN POST,
VIRUDHUNAGAR DISTRICT.

... Respondents

Prayer in WP(MD). 17845/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration declaring the list of Board of Directors to the SPSPL 17, Narikudi Primary Agriculture Co-operative Credit Society, Thiruchuli Taluk, Virudhunagar District declared by the 3rd respondent dated 07.08.2018 under the Tamil nadu cooperative societies Act 1983, as unconstitutional, illegal, void, unenforceable and consequently direct the respondents to conduct free and fair election of the Board of Directors to the SPSPL 17, Narikudi Primary Agriculture Co-operative Credit Society, Thiruchuli Taluk, Virudhunagar District in accordance with law.

WP (MD). 17850/ 2018:



1 THE CHIEF ELECTION COMMISSIONER,
TAMIL NADU STATE CO-OPERATIVE COMMISSION,
273, ANNASALAI, TEYNAMPETTAI,
CHENNAI - 600 018.

2 THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT, KANYAKUMARI.

3 THE SUPERINTENDENT OF POLICE,
SIVAGANGAI DISTRICT, SIVAGANGAI.

4 THE DEPUTY REGISTRAR,
PRIMARY AGRICULTURAL CO-SOCIETIES,
KANYAKUMARI DISTRICT, KANYAKUMARI.

5 THE ELECTION OFFICER,
Y-225, PALAPALLAM PRIMARY AGRICULTURAL,
CO-SOCIETIES, PALLAPALLAM, KANYAKUMARI DISTRICT,
KANYAKUMARI.

... Respondents

Prayer in WP(MD). 17850/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to consider the petitioners representation dated 09.08.2018 and consequently direct the respondent to recount the votes polled in the election of Y-225, Palapallam Primary Agricultural Co-operative Society, Kanyakumari in the presence of Advocate Commissioner appointed by this Honble Court.

WP(MD). 17851/ 2018:

S.CHELLIMUTHU

... Petitioner

-Vs-

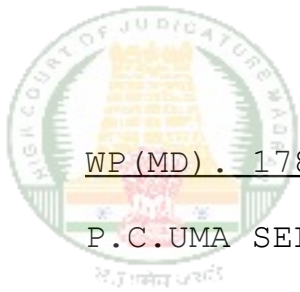
1 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
CUM THE DISTRICT ELECTION OFFICER,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 THE ELECTION OFFICER, SPSPL 56,
ELAYIRAMPANNAI PRIMARY AGRICULTURE CO-OPERATIVE SOCIETY,
VEMBAKOTTAI TALUK,
VIRUDHUNAGAR DISTRICT.

... Respondents

Prayer in WP(MD). 17851/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent impugned declaration notice dated 07.08.2018 and quash the same, consequently directing the 2nd respondent herein to accept the petitioners nomination dated 09.04.2018 and to conduct election in accordance with law.



WP (MD). 17863/ 2018:

P.C.UMA SELVAM

... Petitioner

-Vs-

- 1 THE TAMIL NADU STATE CO-OPERATIVE SOCIETIES ELECTION COMMISSION,
REP. BY ITS COMMISSIONER, NO.273,
KAMADHENU SUPERMARKET, 1ST FLOOR,
ANNASALAI, CHENNAI 600 018.
- 2 THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
KILPAUK, CHENNAI 10.
- 3 THE ASSISTANT DIRECTOR OF FISHERIES,
O/O. THE ASSISTANT DIRECTOR OF FISHERIES,
1ST FLOOR, TALUK OFFICE CAMPUS,
RAMESWARAM , RAMANATHAPURAM DISTRICT.
- 4 THE ELECTION OFFICER,
INSPECTOR OF FISHERIES,
RMM1 NATRAJAPURAM FISHERMEN COOPERATIVE SOCIETY,
1ST FLOOR TALUK OFFICE CAMPUS,
RAMESWARAM, RAMANATHAPURAM DISTRICT.

... Respondents

Prayer in WP (MD). 17863/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of mandamus directing the Respondent Nos.1 to 4 to reconduct the election for the RMM1 Natarajapuram Fishers cooperative society, Natarajapuram, Rameswaram Taluk, Ramanathapuram District by following the guidelines issued by the respondent No.1 through his circular in Na.Ka.No.797/2018/Ku.The.5 dated 28.03.2018 within the time period stipulated by this Honble Court.

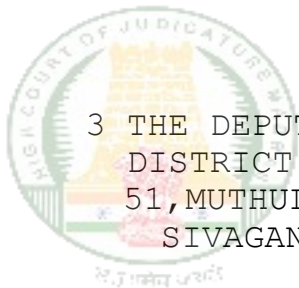
WP (MD). 17864/ 2018:

KALAIRAJAN

... Petitioner

-Vs-

- 1 THE COMMISSIONER,
T.N.CO-OPERATIVE SOCIETIES ELECTION COMMISSION,
273, SCHEME ROAD, SUBBARAYAN NAGAR,
TEYNAMPET, CHENNAI.
- 2 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
SIVAGANGAI, SIVAGANGAI DISTRICT.



3 THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
DISTRICT ELECTION OFFICER,
51, MUTHULAKSHMI ILLAM, ARUNA NAGAR, KARAİKUDI,
SIVAGANGAI DISTRICT.

4 THE ELECTION OFFICER,
N.N.602, PERATTUKOTTAI PRIMARY AGRI. CO-OPERATIVE SOCIETY,
PERATTUKOTTAI, DEVAKOTTAI TALUK,
SIVAGANGAI DISTRICT.

... Respondents

Prayer in WP(MD). 17864/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records pertaining to the list of accepted candidates for the Board of Management of N.N.602, Perattukottai Primary Agricultural Co-operative Credit Society, Perattukottai, dated 07.08.2018 and the consequential notice dated 07.08.2018 issued by the 4th respondent for electing President and Vice President for the Board of Management of N.N.602, Perattukottai and quash both and further to forbear the respondents from conducting elections pertaining to N.N.602, Perattukottai Primary Agricultural Co-operative Credit Society, Perattukottai until the petitioner's representation dated 15.05.2018 relating to the issue of non acceptance of valid nominations and discrepancies in the eligible voters list, are redressed by the committee formed by this Hon'ble Court.

WP(MD). 17869/ 2018:

R.BAKTHAVATHSALAM

... Petitioner

-Vs-

1 THE STATE GOVERNMENT OF TAMIL NADU,
REP. BY IT SECRETARY TO THE GOVT.,
DEPARTMENT OF FOOD AND COOPERATIVE SOCIETIES,
CHENNAI 5.

2 THE ELECTION COMMISSIONER,
TAMIL NADU STATE CO-OPERATIVE SOCIETIES,
ELECTION COMMISSION,
NO.273, KAMADHENU SUPERMARKET (1ST FLOOR),
ANNASALAI, CHENNAI 600 018.

3 THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES,
NAGERCOIL, KANYAKUMARI DISTRICT.

4 THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES,
THUCKALAY, KANYAKUMARI DIST 629 175.

5 THE ELECTION OFFICER,
Y-70, CHARAPPAZHANJI ATHENCODE PRIMARY
AGRICULTURAL COOPERATIVE SOCIETY,
METHUKUMMAL POST, KANYAKUMARI DIST 629 172.



6 Y-70, CHARAPPAZHANJI ATHENCODE,
PRIMARY AGRICULTURAL COOPERATIVE SOCIETY,
REP. BY ITS SPECIAL OFFICER, METHUKUMMAL POST,
KANYAKUMARI DISTRICT 629 172.

WEB COPY

7 BABU , S/O.LUKAS,
KUTHIRACHIVILAI, KULAPPURAM POST,
KANYAKUMARI DISTRICT - 629 172.

8 PADMA BAI, W/O.SELVAMANI,
CHARAPPAZHANJI, METHUKUMMAL POST,
KANYAKUMARI DISTRICT - 629 172.

9 NESARAJ, S/O.ISRAVEL,
THOZHIYUTTUVALAI, METHUKUMMAL POST,
KANYAKUMARI DISTRICT - 629 172.

10 PRABHA, W/O.RAJU,
PUTHUVALVEEDU, KALIYAKAVILAI POST,
KANYAKUMARI DISTRICT.

11 KUMAR BENZILAR, S/O.THAMARESAN,
AMSIKAKUZHI, METHUKUMMAL POST,
KANYAKUMARI DISTRICT - 629 172.

12 KRISHNADAS, S/O.MUTHU PILLAI,
VARUTHATTU, METHUKUMMAL POST,
KANYAKUMARI DISTRICT - 629 172.

13 RAJAMANI, S/O.GNANAMANI,
VAVARAI, S.T.MANKADU POST,
KANYAKUMARI DISTRICT.

14 SUJA, W/O.VIJAYAN,
VAVARAI, S.T.MANKADU POST,
KANYAKUMARI DISTRICT.

15 SUNDARRAJ, S/O.MUTHAN NADAR,
PARAMBUCODE, METHUKUMMAL POST,
KANYAKUMARI DISTRICT - 629 172.

16 REJI, S/O.HARISH,
PINAVILAI, METHUKUMMAL POST,
KANYAKUMARI DISTRICT - 629 172.

17 DEVARAJAN, S/O.CHELLAPPAN,
VAVARAI, S.T.MANKADU POST,
KANYAKUMARI DISTRICT.

... Respondents

Prayer in WP(MD). 17869/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration to declare the entire election process including for Board of Directors, President and Vice-President in respect of the 6th respondent Society viz., Y-70, Charappazhanji Athencode Primary Agricultural Cooperative Society as invalid and unconstitutional and to set aside all the consequent proceedings and further to conduct re-election.

WP(MD). 17872/ 2018:

1 R.MADASAMY

2 M.SEENI MOHAMMED

3 P.MURUGESAN

4 M.GURUSAMY

5 M.C.RAJAMANICKAM

... Petitioners

-Vs-

1 THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES,
/ DISTRICT ELECTION OFFICER,
PARAMAKUDI CIRCLE, PARAMAKUDI,
RAMANATHAPURAM District.

2 Q 915 MUDUKULATHUR PRIMARY AGRICULTURAL
COOPERATIVE THRIFT SOCIETIES,
REP. BY THE ELECTION OFFICER,
MUDUKULATHUR, MUDUKULATHUR TALUK,
RAMANATHAPURAM DISTRICT.

3 M.MALAIKANNAN

4 Y.HABIB MOHAMMED

5 S.KARUPPANAN

6 E.MOHAN

7 V.PANDI

8 R.PUYALNATHAN

9 R.SANKARAPANDIAN

... Respondents

Prayer in WP(MD). 17872/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the



Selection Candidates List of Q 915, Mudukulathur, primary Agricultural Cooperative Thrift Societies, Mudukulathur, Mudukulathur Taluk, Ramanathapuram District, dated Nil and quash the same as illegal and consequently direction, directing the Respondents to declare the fresh result after counting the withheld votes of 3415 out of 7095 votes within the time stipulated by this Honble Court.

For Petitioner

: Mr.B.Vijay Karthikeyan
(in WP(MD).No.17730/2018)
: Mr.S.Sadeskumar
(in WP(MD).No.17793/2018)
: Mr.Raja Karthikeyan
(in WP(MD).No.17822/2018)
: Mr.H.Mohammed Imran
for M/s.Ajmal Associates
(in WP(MD).No.17827/2018)
: Mr.I.Pinaygash
(in WP(MD).No.17828 & 17872/2018)
: Mr.F.Deepak
(in WP(MD).No.17845/2018)
: Mr.K.Muthu Ganesa Pandian
(in WP(MD).No.17850/2018)
: Miss.S.Mahalakshmi
(in WP(MD).No.17851/2018)
: Mr.T.Lajapathi Roy
(in WP(MD).No.17863/2018)
: Mr.K.Baalasundaram
(in WP(MD).No.17864/2018)
: Mr.M.P.Senthil
(in WP(MD).No.17869/2018)

For Respondents

: Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Baskara Pandian
Special Government Pleader
RR1 to 4 in WP(MD).No.17730,
17863 & 17864/2018
RR1 to 5 in WP(MD).No.17869,
17850 & 17822/2018
RR1 to 3 in WP(MD).No.17827 &
17845/2018
RR1 & 3 in WP(MD).No.17793/2018
RR1 & 2 in WP(MD).No.17851/2018
RR1 & 2 in WP(MD).No.17872 &
17828/2018

C O M M O N O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

There are two sets of cases filed in all these writ petitions. One is with respect to the complaints which are pending before the Election Commission as well as appropriate authorities. The other set of cases come within the purview of 2514 objections/complaints as recorded in paragraph No.138 of the Division Bench order in W.P.No.7526 of 2018 etc., batch, dated 03.08.2018. The said set of complaints are with respect to further election to the post of President, Secretary etc., including the counting. Therefore, everything revolves around the order passed by the Division Bench of this Court and its effect.

2. The learned Additional Advocate General appearing for the respondents would submit that the order of the Division Bench has been complied with in letter and spirit.

3. On the contrary, the learned counsel appearing for the petitioners would submit that the specific direction issued by the Division Bench was violated. They also placed reliance upon some documents to show that notwithstanding the pendency of the complaints, the elections have been declared as if there was no complaint and therefore, it was brought within the ambit of paragraph No.153 of the Division Bench order.

4. We deem it appropriate to go by placing on record the order passed by the Division Bench which in clear terms deals only with the pending complaints. Resultantly, any complaint or objection on the very same issue over which the Committee set up can never be entertained and thus, the remedy available is only under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. It is appropriate to place hereunder the following paragraphs:

'137. However, as observed above, the Election Commission has not been conferred with powers to adjudicate disputes with regard to omissions or wrongful inclusion of names in voters' lists, wrongful acceptance, non-acceptance and/or rejection of nomination papers or wrongful acceptance or rejection of ballot papers. Moreover, as stated above, the remedy under Section 90 of the 1983 Act cannot also be availed until results of election are declared.

138. The fact that in 94% of the cooperative societies elections were uncontested and 2514 petitions of objection/complaint were received by the Election Commission, 1525 between 1.3.2018 and 9.5.2018 and 989 between 9.5.2018 and 31.5.2018, in respect of 1,324 cooperative societies, evinces the need for interference of this Court in exercise of its extraordinary power of judicial review under Article 226 of the Constitution of India. In case of 620 cooperative societies, elections have been cancelled at least in part and others have been



rejected. The rejections numbering 426 are in question in these writ petitions. This Court is of the view that the overwhelming percentage of uncontested elections, as a consequence of rejection of nominations on an unprecedented scale, requires judicial scrutiny.

139. This Court, therefore, deems it appropriate to appoint Committees chaired by Retired High Court Judges to decide petitions of objection and/or petitions of complaints filed till the date of delivery of this judgment.

142. The Committees will look into the complaints of wrongful inclusions and omissions in the voters' list, if such disputes have been raised prior to the holding of elections, but not decided and/or wrongfully decided by the Election Officer concerned. Finding of wrongful omission from or inclusion in the voters' list if not material will not affect the election. To cite an example, if one candidate has been excluded, but successful candidates have won with margin exceeding one, the election will not be affected.

143. Only objections and/or complaints with regard to voters' lists and nominations already made by approaching this Court or alternatively by approaching the Election Commission and/or Registrar and/or any other appropriate authority shall be entertained and no new complainants and/or objectors who never raised any objection till the date of this judgment shall be entertained by the Committee. The Committee shall check if the nomination papers comply with the requisites of Rule 52 read with Circular No. Na.Ka.321/2018/Co.EI.1, dated 19.7.2018 of the Election Commission. In particular, the Committee should look into the following aspects:

(a) if the nomination of a candidate for the election is in Form No.18, and proposed, seconded by two other members whose names are included in the voters list, and is signed by the candidate, the proposer and the seconder.

(b) If the nomination paper has to be rejected on the ground that it is not signed by the candidate for election, or it is not signed by two other members whose names are included in the voters list, one as the proposer and the other as the seconder for the nomination. Of course, where there is only one member in the voters list, the nomination need not be seconded, and where excluding the candidate there are no members in the voters' list, the nomination need not be either proposed or seconded.

(c) In case of a central or apex society which has only one society member and no individual member, for election to the board of such central or apex society to fill up the seats reserved for Scheduled Castes and Scheduled Tribes or for women, a person whose name is not included in the voters list, shall also be eligible for being nominated as a candidate.



(d) If the seat is reserved for Scheduled Castes and Scheduled Tribes, whether the candidate seeking election to such reserved seat had furnished a declaration in the nomination form made by him specifying the caste or tribe to which he belongs and the area in relation to which that caste or tribe is notified as a Scheduled Caste or Scheduled Tribes of the State.

(e) Whether there is any contravention of the rule that the candidate may be nominated by more than one nomination paper, but not exceeding four nomination papers.

(f) Any candidate contesting as a candidate in an election to a single member constituency has signed any nomination papers as a proposer or seconder:

(g) The Committee may examine if the nomination paper was filed in time or out of time.

144. Objections with regard to voters lists may only be raised by an aggrieved voter, whose name has been excluded, or by a contestant. Similarly, objections with regard to acceptance, non acceptance, withdrawal or rejection of nomination papers may only be raised by aggrieved contestants, who have filed and/or intended to file nomination papers.

145. Similarly, the Committees will go into the complaints of wrongful acceptance, non-acceptance or rejection of nomination papers only in cases where such complaints have already been made either before this Court or before the Election Commission or any other authority. The Committees will look into whether nomination papers were filed within the date stipulated in the election notification, whether the nomination forms were duly signed by the candidate and by the proposer and the seconder and whether the nomination form was complete in all respects. The Committees shall verify the nominations having regard to the requisites of Rule 52 of the Rules read with Circular No. Na.Ka.321/2018/Co.EI.1, dated 19.7.2018 of the Election Commission. Nomination papers are not to be rejected for frivolous reasons such as discrepancies in signature, if the signatures are identifiable, affixing of signature at the wrong place, etc.

146. In disputes with regard to polling, counting of votes, etc., the Committees will look into the ballot papers to see if the votes have validly been cast. However, in the event resolution of the dispute requires detailed evidence, the Committee shall remit the complainants/objectors to their alternative remedy under Section 90 of the 1983 Act and refer the disputes to the Registrar of the Cooperative Societies, who shall appoint a panel of three Arbitrators to adjudicate the dispute.



147. The Committees will not intervene in those cases where candidates have been elected and/or nominated by consensus, as no other candidate offered himself/herself for contest and/or withdrew his/her candidature. However, where nominations are alleged to have been wrongfully rejected or not accepted, it may be necessary to scrutinize the reason.

148. The Committees shall be constituted and notified within two weeks from date. Objections/complaints may be filed before the Committee within seven days from the date of its constitution, at the address notified by publication in one vernacular daily having circulation in the District.

153. It is also made clear that the Election Commission may declare the results of the elections in those cooperative societies in respect of which there is no complaint."

5. Thus, from the above, it is clear that the respondents are bound to comply with the orders passed by the Division Bench of this Court referred to supra. Therefore, we deem it fit to permit the petitioners to bring it to the notice of the Honourable Committee, about the pendency of the objections/complaints and the resultant of non-compliance of the respondents.

6. If the Honourable Committee finds that there is a violation of the order passed by the Division Bench or the objections/complaints are sustainable in law and fact, the natural consequences would be the elections held and proposed to be held would get annul automatically. If there is a violation in the principles, the violator cannot get any benefit for such violation. The aforesaid principle should also be extended to the elected candidates in the election conducted already and to be elected as well. Therefore, we deem it fit to leave it to the wisdom of the Committee, in the light of the observations made above, to take appropriate decision. It is to be noted that this order is only with respect to the pending complaints numbering about 2514.

7. Insofar as the other complaints are concerned, the only remedy open is to invoke the jurisdiction of the Registrar concerned under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. Since the Hon'ble Division Bench, in the judgment referred supra, has already put an embargo for further litigation, thereafter, the other issues including the one step have to be dealt with by the Honourable Committees. But no complaints have been given and the issues which have arisen thereafter are necessarily to be dealt with under Section 90 of the Tamil nadu Co-operative Societies Act, alone.

8. For the sake of clarity, the subsequent proceedings in contravention of the order passed by the Division Bench of this Court would certainly be nullity and therefore, the Hon'ble



Committees shall proceed as if they have not taken place in the eye of law. In such an eventuality, the question of invoking equity and putting the elected candidates on notice would not arise for consideration.

9. The Registrar concerned or his nominee is expected to expedite the proceedings to be initiated by the complainants. We also fix an outer limit of three months from the date of receipt of the complaints.

10. All these writ petitions stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

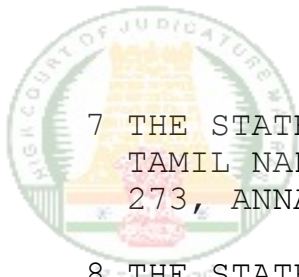
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. THE DISTRICT COLLECTOR,
MADURAI DISTRICT,
MADURAI.
2. THE COMMISSIONER,
DEPARTMENT OF INDUSTRIES AND COMMERCE,
CHEPAUK,
CHENNAI -5.
3. THE DISTRICT GENERAL MANAGER,
DISTRICT INDUSTRIES CENTRE,
ALAGARKOVIL ROAD,
MADURAI -2.
4. THE ELECTION OFFICER,
THE MADURAI DISTRICT PRINTERS SERVICE,
INDUSTRIAL CO-OPERATIVE SOCIETY LIMITED,
I.C.COMPLEX,
INDUSTRIAL ESTATE,
MADURAI 625 007.
- 5 THE DISTRICT ELECTION OFFICER
CUM DEPUTY REGISTRAR,
TAMIL NADU CO-OPERATIVE SOCIETIES,
TENKASI, TIRUNELVELI DISTRICT.
- 6 THE ELECTION OFFICER,
A-66 CHINTHAMANI PRIMARY AGRICULTURAL
CO-OPERATIVE CREDIT SOCIETY, CHINTHAMANI,
PULIANGUDI TALUK, TIRUNELVELI DISTRICT.



- 7 THE STATE ELECTION COMMISSIONER,
TAMIL NADU CO-OP SOCIETIES ELECTION COMMISSION,
273, ANNA SALAI, THENAMPETTAI, CHENNAI.
- 8 THE STATE ELECTION OFFICER/ REGISTRAR,
TAMIL NADU CO-OP SOCIETIES ELECTION,
REGISTRAR OF CO-OP SOCIETIES, KILPAUK, CHENNAI.
- 9 THE DISTRICT ELECTION OBSERVER
JOINT REGISTRAR OF CO-OP SOCIETIES,
RAMANATHAPURAM DISTRICT, RAMANATHAPURAM.
- 10 THE DISTRICT ELECTION OFFICER
DEPUTY REGISTRAR OF CO-OP SOCIETIES,
PARAMAKUDI CIRCLE, RAMANATHAPURAM DISTRICT.
- 11 THE RETURNING OFFICER,
RR.1476, S.MARIYUR PRIMARY
AGRICULTURAL CO-OP CREDIT SOCIETIES,
MARIYUR, KADALADI TALUK, RAMANATHAPURAM.
- 12 THE SUB COLLECTOR, DEVAKOTTAI TALUK,
SIVAGANGAI DISTRICT.
- 13 THE TAHSILDAR, DEVAKOTTAI TALUK,
SIVAGANGAI DISTRICT.
- 14 THE DEPUTY REGISTRAR OF CO-OP SOCIETIES
/DISTRICT ELECTION OFFICER, PARAMAKUDI CIRCLE,
RAMANATHAPURAM DISTRICT.
- 15 THE DISTRICT ELECTION OFFICER/JOINT REGISTRAR
OF CO-OPERATIVE SOCIETIES,
VIRUDHUNAGAR DISTRICT.
- 16 THE ELECTION OFFICER, SPSPL 17, NARIKUDI PRIMARY
AGRICULTURE CO-OPERATIVE CREDIT SOCIETY,
THIRUCHULI TALUK, VIRUDHUNAGAR DISTRICT.
- 17 THE DISTRICT COLLECTOR,
KANYAKUMARI DISTRICT, KANYAKUMARI.
- 18 THE SUPERINTENDENT OF POLICE,
SIVAGANGAI DISTRICT, SIVAGANGAI.
- 19 THE DEPUTY REGISTRAR, PRIMARY AGRICULTURAL CO-SOCIETIES,
KANYAKUMARI DISTRICT, KANYAKUMARI.
- 20 THE ELECTION OFFICER,
Y-225, PALAPALLAM PRIMARY AGRICULTURAL,
CO-SOCIETIES, PALLAPALLAM, KANYAKUMARI DISTRICT,
KANYAKUMARI.



- 21 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES
CUM THE DISTRICT ELECTION OFFICER,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 22 THE ELECTION OFFICER, SPSPL 56,
ELAYIRAMPANNAI PRIMARY AGRICULTURE CO-OPERATIVE SOCIETY,
VEMBAKOTTAI TALUK,
VIRUDHUNAGAR DISTRICT.
- 23 THE TAMIL NADU STATE CO-OPERATIVE
SOCIETIES ELECTION COMMISSION,
REP. BY ITS COMMISSIONER, NO.273,
KAMADHENU SUPERMARKET, 1ST FLOOR,
ANNASALAI, CHENNAI 600 018.
- 24 THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
OFFICE OF THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
KILPAUK, CHENNAI 10.
- 25 THE ASSISTANT DIRECTOR OF FISHERIES,
O/O. THE ASSISTANT DIRECTOR OF FISHERIES,
1ST FLOOR, TALUK OFFICE CAMPUS,
RAMESWARAM , RAMANATHAPURAM DISTRICT.
- 26 THE ELECTION OFFICER,
INSPECTOR OF FISHERIES,
RMM1 NATRAJAPURAM FISHERMEN COOPERATIVE SOCIETY,
1ST FLOOR TALUK OFFICE CAMPUS,
RAMESWARAM, RAMANATHAPURAM DISTRICT.
- 27 THE COMMISSIONER,
T.N.CO-OPERATIVE SOCIETIES ELECTION COMMISSION,
273, SCHEME ROAD, SUBBARAYAN NAGAR,
TEYNAMPET, CHENNAI.
- 28 THE ELECTION OFFICER,
N.N.602, PERATTUKOTTAI PRIMARY AGRI. CO-OPERATIVE SOCIETY,
PERATTUKOTTAI, DEVAKOTTAI TALUK,
SIVAGANGAI DISTRICT.
- 29 THE ELECTION COMMISSIONER,
TAMIL NADU STATE CO-OPERATIVE SOCIETIES,
ELECTION COMMISSION,
NO.273, KAMADHENU SUPERMARKET (1ST FLOOR),
ANNASALAI, CHENNAI 600 018.
- 30 THE JOINT REGISTRAR OF COOPERATIVE SOCIETIES,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 31 THE DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES,
THUCKALAY, KANYAKUMARI DIST 629 175.



32 THE ELECTION OFFICER,
Y-70, CHARAPPAZHANJI ATHENCODE PRIMARY
AGRICULTURAL COOPERATIVE SOCIETY,
METHUKUMMAL POST, KANYAKUMARI DIST 629 172.

33 THE SECRETARY TO THE GOVERNMENT OF TAMIL NADU,
DEPARTMENT OF FOOD AND COOPERATIVE SOCIETIES,
CHENNAI 5.

34 THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
SIVAGANGAI, SIVAGANGAI DISTRICT.

35 THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
DISTRICT ELECTION OFFICER,
54, MUTHULAKSHMI ILLAM, ARUNA NAGAR, KARAİKUDI,
SIVAGANGAI DISTRICT.

36 THE DISTRICT ELECTION OFFICER/DEPUTY REGISTRAR,
O/O. THE DEPUTY REGISTRAR,
COLLECTORATE OFFICE, DINDIGUL,
DINDIGUL DISTRICT.

37 THE ELECTION OFFICER,
A-1392, BATLAGUNDU CO-OPERATIVE STORE,
BATLAGUNDU, DINDIGUL DISTRICT.

38 THE ELECTION OFFICER,
RP5, KOVILANKULAM PRIMARY AGRICULTURAL
CO-OP THRIFT SOCIETIES,
KAMUTHI TALUK,
RAMANATHPURAM DISTRICT.

39 THE DEPUTY REGISTRAR OF CO-OP SOCIETIES/
DISTRICT ELECTION OFFICER,
PARAMAKUDI CIRCLE, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.

40 THE ELECTION OFFICER,
Q 915 MUDUKULATHUR PRIMARY AGRICULTURAL
COOPERATIVE THRIFT SOCIETIES,
MUDUKULATHUR, MUDUKULATHUR TALUK,
RAMANATHAPURAM DISTRICT.

+1cc to M/S.K.Muthu Ganesa Pandian, Advocate SR.No.78438

+1cc to M/S.I.Pinaygash, Advocate SR.No. 78028

+1cc to M/S.K.Baalasundaram, Advocate SR.No. 78038

+1cc to M/S.B.Vijay Karthikeyan, Advocate SR.No. 77996

+1cc to M/S.M.P.Senthil, Advocate SR.No. 78063

<https://hcservices.ecourts.gov.in/hcservices/>
+1cc to M/S.S.Sadeskumar, Advocate SR.No. 78207

+1cc to M/S.F.Deepak, Advocate SR.No. 78214



+1cc to Special Government Pleader, SR.No. 78287, 78288,
78291 to 78298, 78300, 78303

WEB COPY

W.P. (MD) Nos. 17730/2018, 17793/2018, 17822/2018,
17827/2018, 17828/2018, 17845/2018,
17850/2018, 17851/2018, 17863/2018,
17864/2018, 17869/2018 and 17872/2018
10.08.2018

akv

JM/SV/SAR 2/04.09.2018/20P/49C