



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) Nos.17969 and 18016 of 2018
W.M.P. (MD) Nos.15849 and 15850 of 2018 in
W.P. (MD) No.17969 of 2018 and
W.M.P. (MD) No.15901 of 2018 in
W.P. (MD) No.18016 of 2018

W.P. (MD) No.17969 of 2018:

G.Murugan ... Petitioner

-vs-

- 1.The Commissioner,
Tamil Nadu Cooperative Societies Election Commission,
Chennai.
 - 2.The Deputy Registrar of Cooperative Societies/
The District Election Officer,
The Office of the Deputy Registrar of Cooperative Societies,
Tenkasi, Tirunelveli.
 - 3.The Election Officer,
O 1725, Veerakeralam Pudur Primary Agricultural
Cooperative Credit Society,
Veerakeralam Pudur Village & Taluk,
Tirunelveli District.
 - 4.The Management,
O 1725, Veerakeralam Pudur Primary Agricultural
Cooperative Credit Society,
Veerakeralam Pudur Village & Taluk,
Tirunelveli District.
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the impugned order passed by the 1st respondent in Na.Ka.No.2793/2018/Ku.Tha.2, dated 19.06.2018 and to quash the same as illegal and direct the respondents to continue the counting process for the election held to the 4th respondent society on 27.04.2018 and to declare the result accordingly.



For Petitioner : Mr.K.R.Laxman

For Respondents: Mr.K.Chellapandian,
Additional Advocate General,
Assisted by Mr.A.K.Baskara Pandian
Special Government Pleader

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W.P. (MD) No.18016 of 2018:

M.Poosaikani

... Petitioner

-vs-

1.The Election Commissioner of State Co-operative Societies,
Election Commission Office,
273, Anna Salai,
Thenampettai,
Chennai - 600 018.

2.The Joint Registrar,
Regional Office of the Co-operative Societies,
Sir Meignanam Street,
Palayamkottai,
Tirunelveli District.

3.The Election Officer/Special Officer,
O 1725, Veerakeralampudur Primary Agricultural
Cooperative Credit Society,
V.K. Pudur Taluk,
Tirunelveli District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the respondents to complete the election process by counting the votes and declare the results of the election held on 27.04.2018 for the O 1725 Veerakeralampudur Primary Agricultural Co-operative Credit Society, V.K. Pudur Taluk, Tirunelveli District based on the orders passed by this Hon'ble High Court in W.P.No.7526 of 2018 and batch of writ petitions by an order dated 03.08.2018 within the period stipulated by this Hon'ble Court.

For Petitioner : Mr.Ananth C. Rajesh

For Respondents: Mr.K.Chellapandian,
Additional Advocate General,
Assisted by Mr.A.K.Baskara Pandian
Special Government Pleader

**COMMON ORDER**

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

Considering the issue being one and the same, both the writ petitions are taken up for disposal by common order.

2.The grievance of the writ petitioners is that the decision of the Election Commission has not been given any letter and spirit. The decision was made to enable the election to proceed from the stage at which it was stopped. In the case on hand, after scrutiny of nominations election has taken place and at that stage the election was stopped. Hence, the continuation will have to be started thereafter. Therefore, it cannot be taken back to include the verification of nominations which was already over.

3.Learned Additional Advocate General would submit that the decision of the Election Commission in this regard is correct. The said decision makes it clear the stage at which the election was stopped when conducted earlier will have to continue. He fairly submitted that in the case on hand admittedly, the nomination process was over followed by election which was also over. Therefore, as per the decision of the Election Commission, the further process will have to start thereafter.

4.In such view of the matter, the Writ Petitions are partly allowed and the order of the 1st respondent impugned in W.P.(MD) No.17969 of 2018 stands set aside to the extent of proceeding with the scrutiny of nomination alone. Resultantly, the respondents shall proceed with the further action from the stage of counting of votes. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1.The Election Commissioner of
State Co-operative Societies,
Election Commission Office,
273, Anna Salai, Thenampettai,
Chennai - 600 018.



2. The Joint Registrar,
Regional Office of the Co-operative Societies,
Sir Meignanam Street,
Palayamkottai,
Tirunelveli District.

3. The Deputy Registrar of Cooperative Societies/
The District Election Officer,
The Office of the Deputy Registrar of Cooperative Societies,
Tenkasi, Tirunelveli.

4. The Election Officer/Special Officer,
O 1725, Veerakeralam Pudur Primary Agricultural
Cooperative Credit Society,
Veerakeralam Pudur Village & Taluk,
Tirunelveli District.

5. The Management,
O 1725, Veerakeralam Pudur Primary Agricultural
Cooperative Credit Society,
Veerakeralam Pudur Village & Taluk,
Tirunelveli District.

+1CC to Mr. Ananth C. Rajesh, Advocate, SR.No. 78637

+1CC to Mr. K. R. Laxman, Advocate, SR.No. 78987

+1CC to the Special Government Pleader SR.Nos. 78803, 78814

W.P. (MD) Nos. 17969 and 18016 of 2018
14.08.2018

SJ

ES/SKN/RSK/SAR 4/03.09.2018/4P/9C