



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].No.17997 of 2018

W.M.P. (MD) Nos.15878 to 15881 of 2018

J.Kodeeswaran

: Petitioner

Vs.

- 1.The Tamil Nadu 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.
 - 3.The Deputy Registrar of Co-operative Societies,
O/s.The Deputy Registrar of Co-operative Societies,
41, Krishnarayar Thepakulam Road,
Madurai, Madurai District.
 - 4.The Election Officer,
Tamil Nadu State Transport Corporation Workers
Co-operative Store Society,
Pasumpon Nagar,
By-pass Road, Madurai District.
- : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.1301/18/The dated 10.07.2018 on the file of the respondent No.4 and quash the same as illegal and consequently direct the respondent Nos.1 to 4 re-conduct the election for the Tamil Nadu State Transport Corporation Workers Co-operative Store Society, Pasumpon Nagar, By-pass Road, Madurai District by following the guidelines issued by the respondent No.1 through his circular in Na.Ka.321/2018/Ku the 1 (2) dated 09.08.2018 within the time period stipulated by this Court.



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For Petitioner : Mr.T.Lajapathiroy
For Respondents : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.A.K.Baskarapandian
Special Government Pleader

O R D E R

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

The only ground of challenge made in the Writ Petition is based upon the proceedings of the Commissioner dated 09.08.2018.

2. The learned counsel submitted that as per the said proceedings, the date of election is 01.09.2018.

3. The learned Additional Advocate General would submit that there are two proceedings issued by the Commissioner on the very same day. One proceeding is concerned with the election stopped before scrutinizing the nomination and other proceedings is concerned after scrutinizing the nomination.

4. What is being relied upon by the petitioner is the proceedings which is applicable before scrutinizing the nomination made not after. In that case, the proceedings furnished by the learned Additional Advocate General would apply. If that is applied, the date of election is on 16.08.2018.

5. In such view of the matter, we find no merits in this writ petition. However, in so far as the other contention raised on facts is concerned, as already held by the Division Bench of the Principal Seat of this Court in W.P.No.7526 of 2018, etc., batch., dated 03.08.2018, the remedy open to the petitioner is to approach the Registrar of Co-operative Societies, under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. the petitioner is at liberty to invoke Section 90 of the Act. As and when the petitioner approaches invoking Section 90 of the Act, the authorities shall dispose of the same within a period of 3 months from the date of receipt of a copy of this order. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-IV)



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+1cc to Mr.T.Lajapathy Roy, Advocate in SR No.78786

+1cc to Spl Government Pleader, SR No.78807

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NM/SV/SAR 4/27.09.2018/3P/7C