



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.18000 to 18006 of 2018

and W.M.P.(MD) Nos.15884 and 15885 of 2018 in W.P.(MD) No.18000 of 2018, W.M.P.(MD) Nos.15886 and 15887 of 2018 in W.P.(MD) No.18001 of 2018, W.M.P.(MD) Nos.15888 and 15889 of 2018 in W.P.(MD) No.18002 of 2018, W.M.P.(MD) Nos.15890 and 15891 of 2018 in W.P.(MD) No.18003 of 2018, W.M.P.(MD) Nos.15892 and 15893 of 2018 in W.P.(MD) No.18004 of 2018, W.M.P.(MD) Nos.15894 and 15895 of 2018 in W.P.(MD) No.18005 of 2018 and W.M.P.(MD) Nos.15896 and 15897 of 2018 in W.P.(MD) No.18006 of 2018

A.Puvesnathan	...	Petitioner in W.P.(MD) No.18000 of 2018
S.Samuel	...	Petitioner in W.P.(MD) No.18001 of 2018
K.Shankar	...	Petitioner in W.P.(MD) No.18002 of 2018
S.Jayanthi	...	Petitioner in W.P.(MD) No.18003 of 2018
A.Hasser	...	Petitioner in W.P.(MD) No.18004 of 2018
P.Senthilkumar	...	Petitioner in W.P.(MD) No.18005 of 2018
L.Saroja	...	Petitioner in W.P.(MD) No.18006 of 2018

-vs-

1.The State Government of Tamil Nadu,
Represented by its Secretary to the Government,
Department of Food and Cooperative Societies,
Chennai - 9.

2.The Election Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
No.273, Kamadhenu Supermarket (1st Floor),
Annasalai, Chennai - 600 018.



3.The Deputy Registrar of Cooperative Societies/
The District Election Officer,
Thoothukudi,
Thoothukudi District.

4.The Election Officer,
O.159, Thoothukudi Melur Cooperative Bank,
No.31A, North Sambantha Moorthy Street,
Thoothukudi - 2.

5.B.Kaliraj,
S/o.Brahmmanathapillai,
Election Officer,
O.159, Thoothukudi Melur Cooperative Bank/Special Tahsildar,
Urban Land Tax Scheme Unit - I,
Thoothukudi,
Office of Sub-Collectorate,
Beach Road,
Thoothukudi.

6.O.159, Thoothukudi Melur Cooperative Bank,
No.31A, North Sambantha Moorthy Street,
Thoothukudi - 2.
through its Assistant General Manager.

... Respondents

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified mandamus, calling for the records relating to the impugned proceedings passed by the 3rd respondent in Na.Ka.No.513/2018.Koo. The (1) dated 10.08.2018 as well as the consequential selected candidate list dated 11.08.2018 published by the 4th respondent and quash the same and further directing the 3rd respondent to issue appropriate direction to the 4th respondent to proceed to conduct election as per the earlier selected candidates list dated 02.05.2018.

For Petitioner in all : Mr.M.P.Senthil
petitions

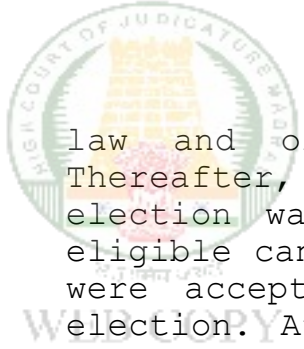
For Respondents in : Mr.K.Chellapandian,
Additional Advocate General,

all petitions Assisted by Mr.A.K.Baskara Pandian
Special Government Pleader

COMMON ORDER

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

The petitioners, who are seven in numbers, took part in the election conducted on the earlier occasion. In the earlier list approved by the Election Commissioner, the name of the petitioners were found along with others, totally about 21. There supposed to be



law and order problem and thereafter no further proceedings. Thereafter, a decision was taken on 10.08.2018, pursuant to which new election was conducted. The election officer now published a new eligible candidates list, excluding the petitioners whose nominations were accepted in the earlier election while proceeding with the election. At this stage, the petitioners have come forward to file these Writ Petitions challenging the order dated 10.08.2018 and the consequential list dated 11.08.2018.

2.From the submissions made by the learned counsel for the petitioners and the learned Additional Advocate General appearing for the respondents, it is clear that the earlier nomination was indeed accepted. It was dated 02.05.2018. Therefore, if these nominations will have to be given a go by, while proceeding afresh from a stage earlier to the acceptance of the nomination, then such a power has to be exercised by the Election Commission under Rule 52 (18)(c) of Tamil Nadu Co-operative Societies Rules, 1988 alone. Learned Additional Advocate General would submit that that is why the subsequent proceedings did not take place awaiting the decision from the election commission.

3.Recording the said submission, we direct the Election Commission to take a final decision on this as to whether the election will have to start afresh from the stage at which nominations were accepted on 02.05.2018 or earlier. Such decision will have be made within four weeks from the date of receipt of a copy of this order. It is needless to state that till such decision is taken, there is no question of proceeding further in this.

4.These Writ Petitions are disposed of with the above directions. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS I)

/True copy/

Sub Assistant Registrar(CS I)

sj

To

1.The Secretary to the Government,
Department of Food and Cooperative Societies,
State Government of Tamil Nadu,
Chennai - 9.

2.The Election Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
No. 273, Kamadhenu Supermarket (1st Floor),
Annasalai, Chennai - 600 018.



3.The Deputy Registrar of Cooperative Societies/
The District Election Officer,
Thoothukudi,
Thoothukudi District.

4.The Election Officer,
O.159, Thoothukudi Melur Cooperative Bank,
No.31A, North Sambantha Moorthy Street,
Thoothukudi - 2.

5.The Assistant General Manager,
O.159, Thoothukudi Melur Cooperative Bank,
No.31A, North Sambantha Moorthy Street,
Thoothukudi - 2.

6.B.Kaliraj,
S/o.Brahmmanathapillai,
Election Officer,
O.159, Thoothukudi Melur Cooperative Bank/Special Tahsildar,
Urban Land Tax Scheme Unit - I,
Thoothukudi,
Office of Sub-Collectorate, Beach Road, Thoothukudi.

1CC TO MR. M.P. SENTHIL, ADVOCATE SR; 78856
1CC TO THE SPECIAL GOVERNMENT PLEADER, SR:78811

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