



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2018

CORAM:

WEB COPY

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

W.P.(MD) No.18032 of 2018
and
WMP(MD) Nos.15923 and 15924 of 2018

Selvapandi

... Petitioner

vs.

1.The District Collector,
Madurai District, Madurai.

2.The Election Officer,
MD Spl.20, Uthapanayakanur Primary
Cooperative Credit Society,
Uthapanayakanur,
Usilampatti Taluk,
Madurai District.

... Respondents

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 proceedings of the 2nd respondent dated 13.08.2018 regarding declaration of elected members of MD Spl.20 Uthapanayakanur Primary Cooperative Credit Society, Uthapanayakanur and quash the same as illegal and further direct the 2nd respondent to conduct fresh Election for electing of Directors in MD Spl.20 Uthapanayakanur Primary Cooperative Credit Society, Uthapanayakanur.

For Petitioner : Mr.G.Maruthiah

For Respondents : Mr.K.Chellapandian
Additional Advocate General,
assisted by Mr.A.K.Baskarapandian
Additional Government Pleader

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>
The order dated 13.08.2018 is sought to be challenged on the ground that it is borne out by mala fides, since there are more number of contestants than the post available.



2.The learned Additional Advocate General appearing for the respondents would submit that all other nominees are withdrawn their nominations.

3.We do not propose to go into the controversy, when the election is over. Therefore, the only remedy open to the petitioner is to invoke Section 90 of the Tamil Nadu Co-operative Societies Act, 1983.

4.In such view of the matter, this writ petition is disposed of giving liberty to the petitioner to file appropriate application before the concerned Registrar of Co-operative Societies. As and when application is filed, the Registrar shall consider and dispose of the same within a period of two months from the date of receipt of application from the petitioner. No costs. Consequently, WMP(MD) Nos.15923 and 15924 of 2018 are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-I)

To

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Election Officer,
MD Spl.20, Uthapanayakanur Primary
Cooperative Credit Society,
Uthapanayakanur,
Usilampatti Taluk,
Madurai District.
- 3.The Registrar,
Primary Co-Operative Society,
Uthapanayakanur,
Usilampatti Taluk,

+1CC to Mr.G.Maruthiah Advocate in SR.No.79073.

+1CC to Special Government Pleader in SR.No.79124.

MJ

DS/SKN/RSK/SAR-1 :21.08.2018: 2P/6C