



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.18050 of 2018
and
WMP(MD) Nos.15946 and 15947 of 2018

Georgeking

... Petitioner

vs.

1. The Cooperative Election Commissioner,
Tamil Nadu State Cooperative Societies
Election Commission,
273, Kamadhenu Super Market 1st floor,
Anna Salai, Chennai - 18.

2. The District Election Officer/
The Deputy Registrar of Cooperative
(Housing) Societies,
Trichy District, Trichy.

3. The Electoral Officer,
R - 786, Trichirapalli,
Cooperative House Construction Society,
Trichy, Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in pertaining to the impugned order of the 3rd respondent vide his proceedings in No.Nil dated 07.08.2018 and quash the same as illegal and consequently directing the respondents to conduct the election to the R-786 Trichirappalli Co-operative House construction Society.

For Petitioner : Mr.R.Ramachandran

For R1 : Mr.U.Karunakaran
Standing Counsel

For R2 & R3 : 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.]**

The petitioner is one among the member who contested in the election. According to the petitioner, unilaterally some of the members have been declared elected.

2.The learned Additional Advocate General appearing for the respondents 2 and 3 would submit that out of 59 persons contested, 17 were found eligible, out of 17, six of them withdrawn the candidatures. Though the petitioner is one among 59, his nomination was found to be not valid. Thereafter election was announced on 07.08.2018.

3.From the submissions made, we are of the view that the 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.15946 and 15947 of 2018 are closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Election Officer/
The Deputy Registrar of Cooperative
(Housing) Societies,
Trichy District, Trichy.
2. The Electoral Officer,
R - 786, Trichirapalli,
Cooperative House Construction Society,
Trichy, Trichy District.

+ 1 CC TO Mr.T.VADIVELAN, ADVOCATE IN SR No. 78968
+ 1 CC TO Mr.U.KARUNAKARAN, ADVOCATE IN SR No. 78973
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79057

MJ