



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :20.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD) No.18128 of 2018

and

W.M.P. (MD) No.16031 of 2018

N.Sathiyamoorthy

... Petitioner

Vs.

1. The Registrar of Co-operative Societies,
170, Periyar EVR Highways,
Chennai - 600 010.
 2. The Election Commissioner,
Tamil Nadu State Cooperative Societies Election Commission,
No.273, Annasalai,
Teynampet,
Chennai - 600 018.
 3. Merunalini,
The Joint Registrar,
Tamil Nadu Cooperative Societies,
Aranthangi,
Pudukkottai District.
 4. The Director,
MM No.390, Pachikottai Agriculture Cooperative Society,
Vettanviduthi Post,
Alangudi Taluk,
Pudukkottai District.
- ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to conduct the re-election in MM 390 Pachikottai Agricultural Co-operative Society, Vettaviduthi Post, Alangudi Taluk, Pudukkottai District in accordance with law based on the petitioner's representation dated 17.04.2018.

For Petitioner

: Mr.K.G.Arun Kumar

For Respondents

: Mr.K.Chellapandian,

1, 2 and 4

Additional Advocate General

assisted by Mr.A.K.Baskara Pandian

Special Government Pleader

**ORDER**

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

When the writ petition was taken up for hearing, the learned Additional Advocate General appearing for the respondents 1, 2 and 4 would submit that the issue raised in the writ petition has already been decided by this Court in W.P.No.9553 of 2018, dated 03.08.2018.

2.Considering the same issue, we have also passed an order in W.P.(MD).No.17730 of 2018, etc., batch, dated 10.08.2018. The relevant portion is as under:

"5. Thus, from the above, it is clear that the respondents are bound to comply with the orders passed by the Division Bench of this Court referred to supra. Therefore, we deem it fit to permit the petitioners to bring it to the notice of the Honourable Committee, about the pendency of the objections/complaints and the resultant non-compliance of the respondents.

6. If the Honourable Committee finds that there is a violation of the order passed by the Division Bench or the objections/complaints are sustainable in law and fact, the natural consequences would be the elections held and proposed to be held would get annulled automatically. If there is a violation in the principles, the violator cannot get any benefit for such violation. The aforesaid principle should also be extended to the elected candidates in the election conducted already and to be elected as well. Therefore, we deem it fit to leave it to the wisdom of the Committee, in the light of the observations made above, to take appropriate decision. It is to be noted that this order is only with respect to the pending complaints numbering about 2514.

7. Insofar as the other complaints are concerned, the only remedy open is to invoke the jurisdiction of the Registrar concerned under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. Since the Hon'ble Division Bench, in the judgment referred supra, has already put an embargo for further litigation, thereafter, the other issues including the one step have to be dealt with by the Honourable Committees. But no complaints have been given and the issues which have arisen thereafter are necessarily to be dealt with under Section 90 of the Tamil nadu Co-operative Societies Act, alone.



8. For the sake of clarity, the subsequent proceedings in contravention of the order passed by the Division Bench of this Court would certainly be nullity and therefore, the Hon'ble Committees shall proceed as if they have not taken place in the eye of law. In such an eventuality, the question of invoking equity and putting the elected candidates on notice would not arise for consideration.

9. The Registrar concerned or his nominee is expected to expedite the proceedings to be initiated by the complainants. We also fix an outer limit of three months from the date of receipt of the complaints.

10. All these writ petitions stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed."

4. Therefore, this writ petition stands disposed of on the same terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Registrar of Co-operative Societies,
170, Periyar EVR Highways,
Chennai - 600 010.
2. The Election Commissioner,
Tamil Nadu State Cooperative Societies Election Commission,
No.273, Annasalai,
Teynampet,
Chennai - 600 018.

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.79702

Vs

MK/RP/SAR 1/06.09.2018/3P/4C

ORDER MADE IN
W.P (MD) No.18128 of 2018
and
W.M.P. (MD) No.16031 of 2018
20.08.2018