



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.18090 of 2018  
and  
W.M.P. (MD)Nos.15979 and 15980 of 2018

Balu Perumal .. Petitioner  
Vs.

1.The Deputy Registrar of Cooperative Societies,  
Cooperative of Housing Develop Societies,  
Zonal Office,  
K.K.Nagar,  
Madurai - 20.

2.The Election Officer,  
Kodaikkanal Taluk Housing Develop Societies,  
(M.D.A.H.S.G.95)  
Kodaikanal,  
Dindigul District.

3.Karuppasamy

4.V.S.Gunasekaran

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order dated 11.08.2018 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondents to conduct fresh election in respect of Kodaikkanal Taluk Housing develop societies, (M.D.A.H.S.G.95), Kodaikkanal Taluk, Dindigul District, within the time stipulated by this Court.

|                         |                                                                                                                           |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------|
| For Petitioner          | : Mr.R.Karunanidhi                                                                                                        |
| For Respondents 1 and 2 | : Mr.K.Chellapandian,<br>Additional Advocate General,<br>assisted by Mr.A.K.Baskara Pandian<br>Special Government Pleader |

ORDER

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

The Writ Petition has been filed, challenging the impugned order dated 11.08.2018, passed by the second respondent and quash the same as illegal and consequently direct the respondents to



conduct fresh election in respect of Kodaikkanal Taluk Housing develop societies, (M.D.A.H.S.G.95), Kodaikkanal Taluk, Dindigul District, within the time stipulated by this Court.

2.The grievance of the petitioner appears to be with respect to the illegal rejection of nomination. Learned counsel for the petitioner would submit that the petitioner did make an objection over the illegal rejection of nomination. Thus, it is submitted that it is a case, which is covered by a decision rendered by a Division Bench of the Principal Seat of this Court in W.P.No.7526 of 2018 etc & batch, dated 03.08.2018.

3.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 extracted 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. The petitioner is given liberty to invoke the jurisdiction of the Registrar concerned under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Deputy Registrar of Cooperative Societies,  
Cooperative of Housing Develop Societies,  
Zonal Office,  
K.K.Nagar,  
Madurai - 20.

2. The Election Officer,  
Kodaikkanal Taluk Housing Develop Societies,  
(M.D.A.H.S.G.95)  
Kodaikanal,  
Dindigul District.

+1cc to M/S.R.Karunanidhi, Advocate SR.No. 79172  
+1cc to Special Government Pleader, SR.No. 79688

ORDER MADE IN  
W.P (MD) No.18090 of 2018  
and  
W.M.P. (MD) Nos.15979 and 15980 of 2018  
20.08.2018