



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.08.2018

CORAM:

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

W.P(MD)Nos.18098 and 18099 of 2018
and
W.M.P. (MD)Nos.15997 and 15998 of 2018

W.P. (MD)No.18098 of 2018

Allidevi

.. Petitioner

Vs.

1. The Election Commissioner,
Tamil Nadu State Co-operative Societies Election Commission,
No.273, Annasalai, Teynampet,
Chennai - 600 018.
 2. The Registrar of Co-operative Societies /
State Election Officer (Co-op), Chennai.
 3. The Deputy Registrar / District Election Officer,
Primary Agricultural Co-operative Credit Societies,
L.D. Bank First Floor,
Uthamapalayam,
Theni District.
 4. The Secretary,
MD.Spl.85, Melasindhalaichery Primary
Agricultural Cooperative Credit Society,
Theni 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 forbear the third respondent from conducting the election to the fourth respondent society, for the period of 2018-2023, without following the election scheme as per the notice issued by the first respondent in Na.Ka.No.321/2018/KuThe 1(2), dated 09.08.2018.

W.P. (MD)No.18099 of 2018

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<https://hcservices.ecourts.gov.in/hcservices/>

.. Petitioner

**Vs.**

1. The Election Commissioner,
Tamil Nadu State Co-operative Societies Election Commission,
No.273, Annasalai, Teynampet,
Chennai - 600 018.
 2. The Registrar of Co-operative Societies /
State Election Officer (Co-op), Chennai.
 3. The Deputy Registrar / District Election Officer,
Primary Agricultural Co-operative Credit Societies,
L.D. Bank First Floor,
Uthamapalayam,
Theni District.
 4. The Secretary,
Tu3-Thevaram Primary Agricultural Cooperative Credit Society,
Thevaram,
Theni 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 forbear the third respondent from conducting the election to the fourth respondent society, for the period of 2018-2023, without following the election scheme as per the notice issued by the first respondent in Na.Ka.No.321/2018/KuThe 1(2), dated 09.08.2018.

For Petitioner	: Mr.R.Suriyanarayanan
in both cases	
For Respondents	: Mr.K.Chellapandian
in both cases	Additional Advocate General
	assisted by Mr.A.K.Baskarapandian
	Special Government Pleader

COMMON ORDER

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

These writ petitions have been filed for the issuance of a Writ of Mandamus to forbear the third respondent from conducting the election to the fourth respondent society, for the period of 2018-2023, without following the election scheme as per the notice issued by the first respondent in Na.Ka.No.321/2018/KuThe 1(2), dated 09.08.2018.

2. By consent of both sides, the writ petitions are taken up for final disposal.



3. The learned counsel for the petitioners would submit that there are two objections raised i.e 1) Inclusion of dead members 2) With respect to the improper verification of voters by permitting them without any identification.

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4. The learned Additional Advocate General appearing for the respondents would submit that in view of the law and order problem, election was not held and thereafter, the issue was referred to the Election Commission.

5. Under the Rules, it is to the Election Committee to take a call. Discretion of the election committee would also include the rest of the election will be conducted either afresh or to continue where it was left. In such view of the matter, we direct the first respondent to pass appropriate orders within a period of 6 weeks from the date of receipt of a copy of this order. The petitioner is also at liberty to make a representation to the first respondent, with reference to the grievance expressed before this Court. Needless to state that the first respondent shall consider the aforesaid grievance of the petitioner also, while taking a decision as indicated above.

6. With the aforesaid directions, these writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-III)

To

1. The Election Commissioner,
Tamil Nadu State Co-operative Societies Election Commission,
No.273, Annasalai, Teynampet,
Chennai - 600 018.
2. The Registrar of Co-operative Societies /
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5. The Secretary,
Tu3-Thevaram Primary Agricultural Cooperative Credit Society,
Thevaram,
Theni District.

+ 1 CC TO Mr.R.SURIYANARAYANAN, ADVOCATE IN SR No. 79468
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79704

VS

TE/JM/SV/SAR-3 : 12/09/2018 : 4P/8C

ORDER MADE IN
W.P (MD) Nos.18098 and 18099 of 2018 and
W.M.P. (MD) Nos.15997 and 15998 of 2018
20.08.2018