



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.18157 of 2018

and

W.M.P. (MD) Nos.16061 to 16063 of 2018

R.Thirumal Azhagar

.. Petitioner

Vs.

1. The Tamil Nadu State Co-operative Societies Election Commission,
No.273, Anna Salai,
Teynampet,
Chennai - 600 018,
Rep. by its Commissioner.
2. The District Election Officer/
Regional Deputy Registrar,
Periyakulam, Theni District.
3. The Election Officer/Returning Officer,
D.D.14, Melmangalam Primary Agricultural
Co-operative Credit Society,
Theni District.
4. V.Nagaraj,
Office bearer of Executive Committee,
D.D.14, Melmangalam Primary Agricultural
Co-operative Credit Society,
Theni District.
5. M.Kannagi,
D.D.14, Melmangalam Primary Agricultural
Co-operative 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 Certiorarified Mandamus calling for the records relating to the impugned declarations of the 3rd respondent herein dated 11.08.2018 in favour of respondents 4 and 5 herein and consequential impugned notice of 4th respondent issued in the capacity as President of 3rd respondent society for convening meeting of office bearers on 17.08.2018, quash the same and consequently direct the 3rd respondent herein to conduct free and fair election in accordance with Rule 53 of the Tamil Nadu Co-operative Societies Rules and as per procedures laid down by first



respondent in Supplementary Guide-5 issued to Election Officers for the election of President and Vice President of Cooperative Societies.

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For Petitioner : Mr.K.Appadurai
For Respondents : Mr.K.Chellapandian,
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.**]

This writ petition has been filed, challenging the impugned declarations of the 3rd respondent herein dated 11.08.2018, stating that after adjourning the election process, the private respondents have been shown as 'elected' and to quash the same.

2.The learned Additional Advocate General appearing for the respondents would submit that after adjourning the aforesaid process, the members came and election took place and only one nomination was withdrawn.

3.In view of the aforesaid submission, we are not proposed to go into the factual controversy that admittedly, election was conducted or not. The relief sought for in this writ petition no longer survives, since the election has already been conducted.

4.In the result, this writ petition is dismissed. However, the petitioner is given liberty to the petitioner to give a representation to the Registrar by invoking his jurisdiction under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. In the event of such representation being made, the same shall be disposed of by the Registrar concerned, within a period of three months thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Commissioner,
Tamil Nadu State Co-operative
Societies Election Commission,
No. 27, Anna Salai, Teynampet,
Chennai - 600 018,



2. The District Election Officer/
Regional Deputy Registrar,
Periyakulam, Theni District.

3. The Election Officer/Returning Officer,
D.D.14, Melmangalam Primary Agricultural
Co-operative Credit Society,
Theni District.

+1cc to Mr.K.Appadurai, Advocate Sr.No.79042

+1cc to The Spl. Government Pleader Sr.No.79684

VS

VB/RSK/SR4/31.08.2018/3P/6C

ORDER MADE IN
W.P(MD)No.18157 of 2018
and
W.M.P.(MD)Nos.16061 to 16063 of 2018
20.08.2018