



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.10.2018

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.18378 of 2018

and

W.M.P.(MD).Nos.16258 and 16259 of 2018

P.Sakthivel

... Petitioner

Vs.

1.The Commissioner,
Election Commission for Tamil Nadu
Co-operative Society,
273, Anna Salai,
Thenampet,
Chennai.

2.The District Election Officer/Deputy Registrar,
O/o.The Deputy Registrar of Co-operative Society,
Aranthangi Circle,
Aranthangi,
Pudukottai District.

3.The Election Officer,
TA-65, Ambalavanaenthal Primary Agricultural
Co-operative Credit Society,
Alinchienthal Post,
Manamelkudi Taluk,
Pudukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notification issued by the 2nd respondent in Daily Thanthi dated 13.08.2018 and quash the same as illegal in so far as serial No.2 is concerned and consequently, to direct the respondents to proceed with further election of office bearers in terms of Rule 53 of the Tamil Nadu Co-operative Societies Act, 1983 in pursuant to the results published by the 3rd respondent vide his proceedings Nil dated 02.04.2018.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel

for M/s.Ajmal Associates

For Respondents : Mr.A.K.Baskara Pandian

Special Government Pleader

For Observer : Mr.M.P.Senthil

observator appointed by Govt.

O R D E R

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

Challenging the impugned notification issued by the second respondent dated 13.08.2018 in Daily Thanthi and for a consequential direction to proceed with further election of office bearers in terms of Rule 53 of the Tamil Nadu Co-operative Societies Act, 1983, pursuant to the results published by the 3rd respondent vide his proceedings Nil dated 02.04.2018, this writ petition has been filed.

2. Heard Mr.M.Ajmal Khan, learned Senior counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing respondents.

3. When the matter is taken up for hearing today, the learned Special Government Pleader submitted that a decision has been made by the Election Commission to conduct the re-election. Thus, we are not inclined to go into the disputed questions of facts. It is also to be appropriate to have the re-election in order to consider in future, which obviously be done as per Act and Rules. However, in order to maintain fairness in the election process, particularly, in the light of the counter election, we deem it fit to appoint Mr.M.P.Senthil, learned counsel, Enrolment No.1625(d)/2000, Chamber No.103, Law Chamber, Madurai Bench of Madras High Court, Madurai, Cell No.9994165050, as Observer to oversee the re-election process. The respondents shall intimate the learned Observer as and when the re-election is processed. The entire process will have to be Video graphed under the aid of the learned Observer. We direct both the petitioner and the Society to pay initial amount of Rs.25,000/- (Rupees Twenty Five Thousand only) each to the learned Observer and after the entire process is over, another sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each will have to be paid.

4. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

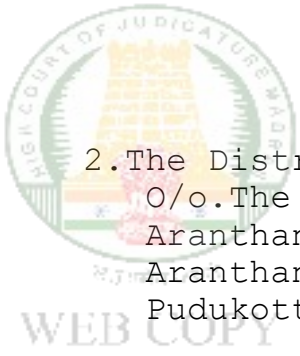
Assistant Registrar (PROTOCOL)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Commissioner,
Election Commission for Tamil Nadu Co-operative Society,
273, Anna Salai,
Chennai.
Chennai.



2.The District Election Officer/Deputy Registrar,
O/o.The Deputy Registrar of Co-operative Society,
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3.The Election Officer,
TA-65, Ambalavanaenthal Primary Agricultural
Co-operative Credit Society,
Alinchienthal Post,
Manamelkudi Taluk,
Pudukottai District.

COPY TO

The Observer,
Mr.M.P.Senthil,
Chamber No.103, Law Chamber,
Madurai Bench of Madras High Court, Madurai, Cell No.9994165050.

• 1 CC TO M/s.Ajmal Associates, ADVOCATE IN SR No.90586.
+1 cc to Special Government Pleader, SR.No.90479.

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