



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) Nos.23371 and 21204 of 2018
and
WMP (MD) Nos.19057 & 19058 of 2018

WP (MD) No.23371 of 2018:

P.Shanmugavel

.. Petitioner

Vs.

1.The Election Officer/Additional Registrar,
R.R.1492, Ramanathapuram Agricultural
Producers Cooperative Society,
Ramanathapuram.

2.The Deputy Registrar of Cooperative Societies,
Office of Deputy Registrar of Cooperative Societies,
Collectorate, Ramanathapuram. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents to call for the elected members to select the President and Vice President for R.R.1492, Ramanathapuram Agricultural Producers Co-Operative Society at Ramanathapuram by considering the petitioner's representation dated 07.11.2018.

For Petitioner : Mr.G.Kasinathadurai
For Respondents : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Baskarapandian,
Special Government Pleader

WP (MD) No.21204 of 2018:

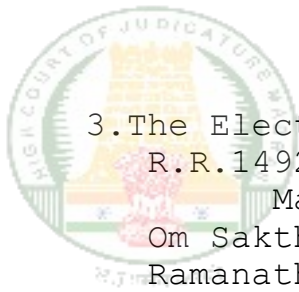
G.Muniesh

.. Petitioner

Vs.

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

2.The District Election Officer/Deputy Registrar,
O/o.the Deputy Registrar,
K.T.M.Centre, II Floor, Salai Street,
Ramanathapuram, Ramanathapuram District - 623 501.



3.The Election Officer,
R.R.1492, Ramnad Taluk Cooperative
Marketing Society,
Om Sakthi Nagar, Pattinamkathan Panchayat,
Ramanathapuram District.

4.C.Mangalanatha Sethupathi,
Election Officer,
R.R.1492 Ramnad Taluk Cooperative
Marketing Society,
Om Sakthi Nagar,
Pattinamkathan Panchayat,
Ramanathapuram District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified mandamus calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings nil dated 08/10/2018 and quash the same as illegal and consequently to direct the respondents to conduct the election for the R.R.1492 Ramnad Taluk Cooperative Marketing Society by accepting the nomination of all other persons including the nomination of the petitioner and to direct the respondents to conduct the election afresh with the supervision of Commissioner who may be appointed by this Court under C.C.T.V. Surveillance in a transparent, free and fair manner.

For Petitioner	: Mr.M.Ajmalkhan for M/s.Ajmal Associates
For R1	: Mr.U.Karunakaran
For R2 and R3	: Mr.K.Chellapandian Additional Advocate General assisted by Mr.A.K.Baskarapandian Special Government Pleader

ORDER

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed WP(MD)No.21204 of 2018 challenging the order dated 08.10.2018 on the file of the Election Officer, R.R.1492, Ramnad Taluk Cooperative Marketing Society, in and by which, while accepting the nominations submitted by the other candidates, his nomination was rejected on the ground of variation in the name and signature.

2.This Court taking into account the prima facie case made out by the petitioner, granted an order of interim stay.

3.We have heard this matter at length on 26 November, 2018 and adjourned it to be posted on 05 December, 2018.

4.When the writ petition was taken up for hearing on 05 December, 2018, the Election Officer was present in Court. When it



was pointed out to him that there is a prima facie case evidencing fabrication of records, it was submitted that he would recall his earlier order and conduct fresh election. Accordingly, the matter was adjourned .

5. When the writ petition is taken up today, the learned Additional Advocate General appearing on behalf of the Special Government Pleader, by taking instruction from the Election Officer submitted that a decision was taken by the third respondent to cancel the very election.

6. Mr. U. Karunakaran, learned Standing Counsel for the Election Commission for Tamil Nadu Cooperative Societies, on instructions, submitted that the Election Commission has also received a complaint with regard to the improper conduct of the election in question. The Election Commission cancelled similar other three elections and orders could not be passed in the present matter on account of the interim order of stay granted by this Court. According to the learned Standing Counsel, the Election Commission has taken a decision to cancel the election conducted by the third respondent and appropriate orders would be passed.

7. Since the Election Commission has made it clear that orders would be passed to cancel the election, we are of the view that no further adjudication is necessary in the writ petition.

8. We direct the Election Commission to pass orders taking into account the statement recorded above by 11 December, 2018.

9. We hope that the Commission would ensure a free and fair election. The present Election Officer should be changed and he should not be given assignment regarding conduct of Election.

10. In view of the order in WP(MD)No.21204 of 2018, the petitioner in WP(MD)No.23371 of 2018 is not entitled to a Mandamus to take further action to elect the President and other Officer bearers. The said question would arise only after conducting a fresh election taking into account the order to be passed by the Election Commission.

11. The writ petitions are disposed of with the above direction and observation. No costs. Consequently WMP(MD)Nos.19057 & 19058 of 2018 are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

- 1.The Commissioner,
Election Commission for Tamil Nadu
Cooperative Society, 273, Anna Salai,
Thenampet, Chennai.
- 2.The Election Officer/Additional Registrar,
R.R.1492, Ramanathapuram Agricultural
Producers Cooperative Society,
Ramanathapuram.
- 3.The Deputy Registrar of Cooperative Societies,
Office of Deputy Registrar of Cooperative Societies,
Collectorate,
Ramanathapuram.
- 4.The District Election Officer/Deputy Registrar,
O/o.the Deputy Registrar,
K.T.M.Centre,
II Floor, Salai Street,
Ramanathapuram,
Ramanathapuram District - 623 501.
- 5.The Election Officer,
R.R.1492, Ramnad Taluk Cooperative
Marketing Society,
Om Sakthi Nagar,
Pattinamkathan Panchayat,
Ramanathapuram District.
- 6.C.Mangalanatha Sethupathi,
Election Officer,
R.R.1492 Ramnad Taluk Cooperative
Marketing Society,
Om Sakthi Nagar,
Pattinamkathan Panchayat,
Ramanathapuram District.

+1CC to Mr.G.Kasinathadurai, Advocate, SR.No.99423
+1CC to M/s.Ajmal Associates, Advocate, SR.No.99713
+1CC to the Special Government Pleader SR.No.99435

W.P. (MD) Nos.23371 and 21204 of 2018
07.12.2018

MJ

ES/SKN /RSK/SAR 3/20.12.2018/4P/10C