



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2018

CORAM:

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

W.P. (MD) No. 21479 of 2018
and W.M.P.(MD) No.19369 to 19372 of 2018

Sivasooriyan

... Petitioner

-vs-

- 1.The State Election Commissioner,
The Tamil Nadu Cooperative Election Commissioner,
Chennai.
- 2.The District Election Officer cum Deputy Registrar
(Cooperative Societies),
Uthamapalayam Range,
Theni District.
- 3.The Election Officer cum Cooperative Sub Registrar,
Public Distribution System,
Bodinayakkanur,
Theni District.
- 4.The Special Officer,
M13, Uthamapalayam Agricultural Producers Cooperative
Marketing Society Ltd.,
Uthamapalayam,
Theni District.
- 5.The Chairman,
The South Zone,
Committee for Enquiring Complaints concerning
Cooperative Election,
No.187, North Veli Street,
Madurai.
- 6.P.R.P.Alaguraja
- 7.M.Sahuber Ali
- 8.R.Soosai Arockiam
- 9.C.Kuppamuthu
- 10.K.Reguram
- 11.R.Ramesh
- 12.K.Packialakshmi
- 13.S.Soundarammal
- 14.J.Raviyammal
- 15.N.Ilamuthu
- 16.S.M.Bose

... Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the record pertaining to the impugned notification dated 08.10.2018 published by the 3rd Respondent herein declaring the Respondents 6 to 16 candidates nomination as valid nominations and rejecting the rest and quash the same as illegal and consequently direct the 1st Respondent herein to conduct the free and fair election to the 4th Respondent Society with adequate police protection and video coverage.

For Petitioner : Mr.A.Mithun Chakravarthi

For 1st Respondent : Mr.M.S.Palanisamy

For Respondents 2 to 5 : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.A.K.Baskarapandian
Special Government Pleader

O R D E R

(Order of the Court was made by P.D.AUDIKESSAVALU, J.)

According to the petitioner, he had submitted his nomination for the post of Director in the Election that was to be conducted for the Board of Directors of M13, Uthamapalayam Agricultural Producers Cooperative Marketing Society Ltd., Uthamapalayam, Theni District on 06.10.2018. During the scrutiny on 08.10.2018 his nomination was rejected. It is complained by the petitioner that no scrutiny had been conducted by the third respondent as per Rule 52 (8)(e) of Tamil Nadu Cooperative Society Rules, 1988. In such circumstances, the Petitioner has approached this Court, challenging the proceeding of the Election Officer dated 09.10.2018 declaring the unanimous election of the sixth to sixteenth respondents and for consequential direction to conduct election afresh.

2.When the matter was taken up for hearing before this Court on 08.11.2018 Mr.M.S.Palanisamy, the learned Standing Counsel appearing on behalf of the Election Commissioner, Tamil Nadu Cooperative Societies, Election Commission/first respondent informed that the complaint of the petitioner will be examined, and if found to be true, the election process would be directed to be carried out afresh from the stage in which the defect has been found and he would report before this Court. Accordingly, the learned Standing Counsel for the Election Commission for Tamil Nadu Co-operative Society has today produced an order on 23.11.2018 stating that on enquiry conducted by the first respondent/ Election Commission for Tamil Nadu Cooperative Societies, it has been found that there have been irregularities committed in the rejection of nominations and in such circumstances, the election culminating in declaration of results that the six to sixteenth respondents as having been elected as unopposed, has been cancelled and the election process has been



directed to be conducted afresh from the stage of scrutiny of nominations and that the new time schedule for the same would be announced separately. It has been further stated that disciplinary action has been directed to be taken against the erring election officer.

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3. In view of the aforesaid submissions, the impugned order dated 08.10.2018, issued by the third respondent declaring the nominations of sixth to sixteenth respondents alone as valid nominations for Directors of M13, Uthamapalayam Agricultural Producers Cooperative Marketing Society Ltd., Uthamapalayam, Theni District is set aside. The election process shall be conducted from the stage of scrutiny of nominations, which have already been received, as per the new time schedule to be announced by the first respondent/Election Commission for Tamil Nadu Cooperative Societies. The aforesaid exercise, which shall be fully video-graphed, shall be completed and a compliance report in that regard shall be submitted to the Registrar (Judicial) of this Court by 31.12.2018. It is further made clear that the first respondent/Election Commission shall forthwith appoint a different Election Officer against whom there are no complaints of any irregularities in the conduct of elections, to complete the election process.

4. The Writ Petition is allowed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No Costs.

Sd/
Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar (CS-I)

To

1. The State Election Commissioner,
The Tamil Nadu Cooperative Election Commissioner,
Chennai.
2. The District Election Officer cum Deputy Registrar
(Cooperative Societies),
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3. The Election Officer cum Cooperative Sub Registrar,
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Uthamapalayam,
Theni District.



5. The Chairman,
The South Zone,
Committee for Enquiring Complaints concerning
Cooperative Election,
No.187, North Veli Street,
Madurai.

6. The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No. 21479 of 2018
26.11.2018

sj
KK/RSK/SAR-1/03.12.2018/4P-7C