



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 30.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.18610 of 2018 and

W.M.P.(MD) No.16474 of 2018

V.P.Sundar Ramanujam

... Petitioner

vs.

1. The Commissioner,
Tamil Nadu Cooperative Societies Election Commission,
273 Scheme Road,
Subbarayan Nagar,
Teynampet, Chennai - 600018.

2. The Joint Registrar of Cooperative Societies,
Tirunelveli, Tirunelveli District.

3. The Deputy Registrar of Cooperative Societies,
District Election Officer,
Perumalpuram, Tirunelveli District.

4. The Election Officer,
A/8 1010 Palayamkottai Urban Cooperative Bank
Palayamkottai, Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to forbear the respondents from conducting election to the Board of Management of A/8 1010 Palayamkottai Urban Cooperative Bank, Palayamkottai, Tirunelveli District until the defects in the eligible voters list is rectified.

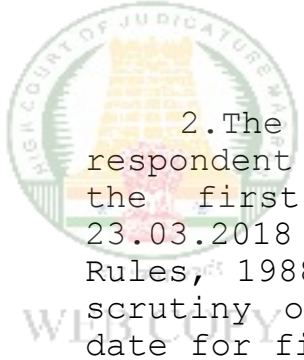
For Petitioner : Mr.S.C.Herold Singh
for Mr.K.N.Govardhanan

For Respondents : Mr.V.R.Shanmuganathan
2 to 4 Special Government Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking a writ of Mandamus to forbear the respondents from conducting election to the Board of Management of A/8 1010 Palayamkottai Urban Cooperative Bank, Palayamkottai, Tirunelveli District until the defects in the eligible voters list is rectified.



2. The petitioner claims that he is the member of the fourth respondent Society and his membership number is A15966. While so, the first respondent herein issued election notification on 23.03.2018 under Section 52 of the Tamil Nadu Cooperative Society Rules, 1988, giving various details, such as, date of nominations, scrutiny of nominations, date for withdrawal of the nominations, date for finalisation etc. In the meanwhile, several writ petitions have been filed before this Court as well as before the Principal seat of this Court challenging the election for various Cooperative Societies throughout the State of Tamil Nadu and the Hon'ble First Bench of this Court, clubbing all batch of writ petitions, disposed of all the writ petitions by order dated 03.08.2018, directing that four committees to be formed, indicating that each committee will be headed by the retired Judges of the High Court along with two District Collectors and two Joint Registrars. In the said order, it has been specifically mentioned that the complaint pertaining to wrongful inclusion in voters list and wrongful acceptance/non acceptance of nominations will be dealt with by the respective committee and two weeks time will be granted for formation of such committees and for notify the same by publication.

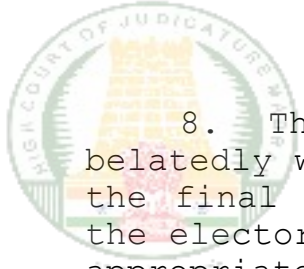
3. Pursuant to the said order of this Court, again, a fresh notification has been issued by the third respondent on 13.08.2018 in the Newspapers mentioning various dates for the date of filing the nominations, the date withholding the elections and the declaration of the results etc.

4. The petitioner has also given a representation on 28.08.2018 requesting the third respondent to eliminate all the dead voters, otherwise, in the name of dead persons, their votes would be cast indirectly. It is further stated in the representation of the petitioner that he has also mentioned the names of dead persons, whose names have been included in the voters list. However, since the said representation has not been considered so far, the petitioner is before this Court with this writ petition.

5. Since voters list has been released without eliminating the dead persons, when this matter was taken up for hearing on 27.08.2018, this Court entertained the writ petition and directed the respondents to take instructions and file counter.

6. Today, when the matter is listed, the third respondent has filed a detailed counter.

7. The learned Special Government Pleader, relying upon the averments in the counter affidavit, submitted that on receipt of the petitioner's representation, the same has been considered and a detailed reply has been sent to the petitioner on 24.08.2018 informing the petitioner that he has not come forward with the representation before the crucial date, ie, on 18.08.2018. It is further stated in the said reply that since the election process had already been commenced, the request of the petitioner cannot be considered.



8. Though the petitioner has approached the respondents belatedly with representation dated 20.08.2018 and in the meanwhile, the final voters list, as per the notification to be published by the electoral officer, was published on 21.08.2018, we also deem it appropriate to direct the respondents to release another supplementary list indicating the persons, who are dead and also the defaulters/ineligible voters, as per Rule 38 of the said Rules, to file/submit nominations and to contest in the election. The said supplementary list shall be released by the third respondent indicating the ineligible voters, if any, before 5.00 p.m. on or before 31.08.2018, ie., tomorrow.

9. With the above observations and directions, this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Commissioner,
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2. The Joint Registrar of Cooperative Societies,
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A/8 1010 Palayamkottai Urban Cooperative Bank
Palayamkottai
Tirunelveli District.

+1CC to Mr.M.JEGADEESHA PANDIAN, Advocate, SR.No.81133
+1CC to the Special Government Pleader SR.No. 81317

W.P(MD)No.18610 of 2018
and

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RR