



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.18810 of 2018
and
WMP(MD)No.16663 of 2018

S.Muthukumar

... Petitioner

vs.

1.The Commissioner,
Election Commission for Tamil Nadu
Cooperative Society,
No.273, Anna Salai,
Thenampet,
Chennai.

2.The District Election Officer/
Deputy Registrar of Cooperative Society,
Perumalpuram,
Palayamkottai,
Tirunelveli District.

3.The Election Officer,
O.1750, Vellalangulam Primary
Agricultural Cooperative Credit Society,
Vellalangulam,
Sankarankoil Taluk,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare that the election conducted in respect of the O.1750 Vellalangulam Primary Agricultural Cooperative Credit Society, Vellalangulam, Sankarankovil Taluk, Tirunelveli District pursuant to the proceedings of the 1st respondent in Na.Ka.No.322 / 2018 / Koo.The 1 dated 05/03/2018 as null and void.

For Petitioner	:	Mr.R.J.Karthick
For Respondents	:	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 M.M.SUNDRESH, J.]

The petitioner has sought for declaration to declare the election conducted earlier as null and void.

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2.The learned Additional Advocate General appearing for the respondents, on instructions, would submit that the petitioner's nomination was rejected and earlier election was cancelled. Though it was proceeded in pursuant to the orders of the Division Bench, thereafter, subsequent election was conducted for the office bearers on 24.08.2018.

3.By way of reply, the learned counsel appearing for the petitioner would submit that nominations have been wrongly accepted. The Election Commission has stayed the election. Therefore, this writ petition will have to be allowed.

4.We are not inclined to allow this writ petition. From the records produced by the learned Additional Advocate General, it appears that nomination of the petitioner has been rejected. This will only indicate that other members have been elected as Directors. Thereafter, Officer Bearers have been elected and none of them are before this Court. If the writ petition is allowed, certainly, those persons would have affected. Therefore, the only remedy open to the petitioner is to approach the Committee, if the complaint already made is pending before it. If that is a case, the subsequent election conducted would certainly become nullity, provided, the Committee finds subsistence in the election which is stated to be pending.

5.With the above observation, this writ petition is disposed of. This order is also passed for the reason that anything done after the orders of the Court would become nullity in a case where a specific direction is issued and in pursuant to it, the Hon'ble Committee finds that there are procedural irregularities. Therefore, the subsequent election made contrary to the orders of the Division Bench and found to be illegal will not give any right to anybody. No costs. Consequently, WMP(MD)No.16663 of 2018 is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

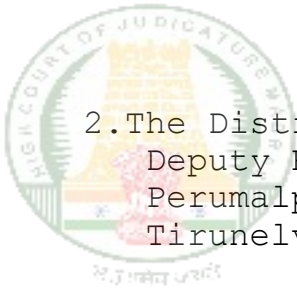
To

1.The Commissioner,

Election Commission for Tamil Nadu

<https://hcservices.ecourts.gov.in/hcservices/>

Cooperative Society, No.273, Anna Salai,
Thenampet, Chennai.



2.The District Election Officer/
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Vellalangulam, Sankarankoil Taluk,
Tirunelveli District.

+1cc to M/S.R.J.Karthick, Advocate SR.No. 80695
+1cc to Special Government Pleader, SR.No. 81661

W.P.(MD) No.18810 of 2018

mj
JM/SV/SAR 3/04.09.2018/3P/6C