



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2018

CORAM:

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

W.P. (MD) No. 18882 of 2018
and W.M.P. (MD) No.16717 to 16719, 17813 and 20233 of 2018

G.Muthuramalingam

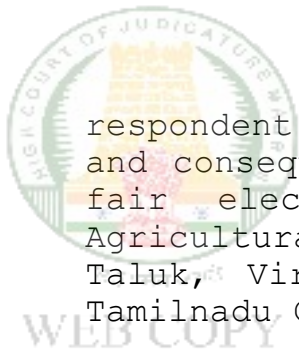
... Petitioner

-vs-

- 1.The Commissioner,
Tamilnadu State Cooperative Election Commission,
272, Kamadhenu Super Market,
Annasalai,
Chennai - 600 018.
- 2.The Registrar of Cooperative Societies,
Chetpet,
Chennai - 600 010.
- 3.The Joint Registrar / District Election Officer,
Virudhunagar District,
Virudhunagar.
- 4.The Deputy Registrar / District Election Officer,
Srivilliputhur.
- 5.Mr.Irudiayaraj,
Cooperative Sub Registrar Field Officer / Election Officer,
Q 976, Thailapuram Primary Agricultural
Cooperative Credit Society,
Thailapuram,
Srivilliputhur Taluk,
Virudhunagar District.
- 6.G.Bose
- 7.G.Koodalingam
- 8.M.Muniyandi
- 9.K.Muthiah
- 10.C.Palanisamy
- 11.K.Ramaiah

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari Mandamus, calling for the record pertaining to the proceedings issued by the 5th



respondent in his proceedings dated 28.08.2018 and quash the same and consequently direct the respondents 1 to 5 to conduct free and fair elections to the Board of Q 976 Thailapuram Primary Agricultural Cooperative Credit Society, Thailapuram, Srivilliputhur Taluk, Virudhunagar District, in accordance with law under the Tamilnadu Cooperative Societies Act and Rules.

For Petitioner : Mr.Veera Kathiravan
Senior Counsel for M/s.Veera Associates

For Respondents
1, 3 to 5, 8 & 10 : No appearance

For 2nd Respondent : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.D.Muruganantham
Additional Government Pleader

For Respondents : Mr.C.Arul Vadivel @ Sekar
6, 7, 9 & 11

O R D E R

(Order of the Court was made by P.D.AUDIKESAVALU, 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 Q 976 Thailapuram Primary Agricultural Cooperative Credit Society, Thailapuram, Srivilliputhur Taluk on 25.08.2018. During the scrutiny on 27.08.2018 his nomination was found to be in order and his name was included in the list of valid nomination published on that day. However, in the final list published on 28.08.2018, the name of the Petitioner had not been found and on enquiries, it was informed to him that he had withdrawn his nomination. It is complained by the petitioner that he had neither withdrawn his nomination nor had authorised anyone to do so on his behalf. In such circumstances, the Petitioner has approached this Court challenging the proceedings of the Election Officer dated 28.08.2018 declaring the unanimous election of the sixth to eleventh respondents and for consequential direction to conduct election afresh.

2. When the matter was taken up for hearing before this Court, the fifth respondent has appeared in person and has produced the proceedings dated 26.11.2018 issued by him as Election Officer, in which it has been stated as follows:

"With regard to plea made in the writ petition in W.P. (MD) No.18882 of 2018 filed before the Hon'ble Madurai Bench of Madras High Court and in pursuance to the Rule 52(8)(h) of the Tamil Nadu Cooperative Societies Rules, 1988. I hereby withdraw my earlier notification dated 28.08.2018 declaring 11 candidates to the Board of Directors of Q 976 Thailapuram

Primary Agricultural Cooperative Credit Society, Thailapuram, Srivilliputhur Taluk, Virudhunagar District."

In the affidavit filed along with the said proceedings the fifth respondent has stated that at the time of withdrawal of nomination, he has failed to compare the signature of Petitioner found in his nomination with the signature found in the withdrawal form.

3. In view of the aforesaid submissions made by the fifth respondent, the impugned order dated 28.08.2018 issued by the fifth respondent declaring the sixth to eleventh respondents as having been elected as Directors of Q 976 Thailapuram Primary Agricultural Cooperative Credit Society, Thailapuram, Srivilliputhur Taluk, Virudhunagar District is set aside. The election process shall be conducted from the stage of withdrawal 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.

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

Sd/-

Assistant Registrar(as)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1.The Commissioner,
Tamilnadu State Cooperative Election Commission,
272, Kamadhenu Super Market,
Annasalai,
Chennai - 600 018.

2.The Registrar of Cooperative Societies,
Chetpet,
Chennai - 600 010.

3.The Joint Registrar / District Election Officer,
Virudhunagar District,
Virudhunagar.

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

4.The Deputy Registrar / District Election Officer,
Srivilliputhur.



5. The Cooperative Sub Registrar Field Officer / Election Officer,
Q 976, Thailapuram Primary Agricultural
Cooperative Credit Society,
Thailapuram,
Srivilliputhur Taluk,
Virudhunagar District.

Copy to

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

- 1 CC TO M/s.Veera Associates, ADVOCATE IN SR No. 97196.
- + 1 CC TO Mr.C.Arul Vadivel @ Sekar, ADVOCATE IN SR No.97142.
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- SJ
- DS SV SAR4 30 11 2018 4P 9C

W.P. (MD) No.18882 of 2018
27.11.2018