



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.19018 of 2018

and

WMP (MD) Nos.16853 to 16855 of 2018

P.Kaliappan

... Petitioner

vs.

1.The Election Commission,
Tamil Nadu State Cooperative Societies
rep.by Election Commissioner,
No.273, Kamadenu Super Market,
I floor, Anna Salai,
Chennai - 600 018.

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

3.The Deputy Registrar of Cooperative Societies/
District Election Officer,
Dindigul District, Dindigul.

4.D.P.2, Periyakottai Primary Agricultural
Cooperative Credit Society,
Oddanchathiram Taluk,
Dindigul,
rep.by its Special Officer.

5.The Election Officer,
D.P.2 Periyakottai Primary Agricultural
Cooperative Credit Society,
Oddanchathiram Taluk,
Dindigul.

6.Prof.Rajendran I.A.S.,
The Election Commissioner,
Tamil Nadu State Cooperative Societies,
rep.by Election Commissioner,
No.273, Kamadenu Super Market,
I floor, Anna Salai,
Chennai - 600 018.



7.Sivaraj
8.S.Gopalsamy
9.R.Narayanasamy
10.K.Azhagarsamy
11.R.Kali Bommuraj
12.S.Manivasagam
13.M.Kaniyarasi
14.R.Sumithra
15.M.Ravi
16.B.Karuppathal
17.T.Arumugam

... Respondents

PRAYER: 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 of the 5th respondent dated 28/08/2018 declaring the election to the 4th respondent society in favour of the respondents 7 to 17 quash the same and consequently direct the respondents herein to conduct free and fair election to the 4th respondent in accordance with law after fresh notification.

For Petitioner : Mr.Veera Kathiravan
Senior Counsel for M/s.Veera Associates
For R1 to R5 : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

[Order of the Court was made by T.RAJA, J.]

After making a detailed representation dated 28.08.2018 informing various irregularities, more particularly, when the petitioner filed nomination papers along with others, on acknowledging the nomination papers, without even passing any order, either rejecting or accepting the same, declared the respondents 7 to 17 as elected, which is illegal. Since the representation has been duly considered, the prayer in the writ petition, challenging the impugned proceedings dated 28.08.2018 has become infructuous.

2.Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 5 submitted that the proceedings issued by the Election Commission on 31.08.2018 does not refer to the representation dated 28.08.2018, said to have been filed by the petitioner. On the other hand, the Election Commission, taking stake of the situation, on their own cancelled the same.

3.Be that as it may. When the petitioner has questioned the correctness of the order passed by the Election Commission declaring the election of the respondents 7 to 17, we also agree that nothing survives in the writ petition. Therefore, this writ petition is



closed as infructuous. No costs. Consequently, WMP(MD)Nos.16853 to 16855 of 2018 are closed.

Sd/
Assistant Registrar(CS-III)

/True copy/

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Sub Assistant Registrar(CS-II)

To

- 1.The Election Commissioner,
Election Commission,
Tamil Nadu State Cooperative Societies
No.273, Kamadenu Super Market,
I floor, Anna Salai, Chennai - 600 018.
- 2.The Registrar of Cooperative Societies,
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- 3.The Deputy Registrar of Cooperative Societies/
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Dindigul District, Dindigul.
- 4.The Special Officer,
D.P.2, Periyakottai Primary Agricultural
Cooperative Credit Society,
Oddanchathiram Taluk, Dindigul.
- 5.The Election Officer,
D.P.2 Periyakottai Primary Agricultural
Cooperative Credit Society,
Oddanchathiram Taluk,
Dindigul.

+1cc to M/S.VEERA ASSOCIATES, Advocate, SR.No.81795

W.P. (MD) No.19018 of 2018
03.09.2018

MJ

KK/SKN/SAR-2/11.09.2018/3P-7C