



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
W.P.[MD].No.21203 of 2018
and
W.M.P. (MD) .No.19056 of 2018

S.Anbu : Petitioner

Vs.

- 1.The Election Committee,
Tamil Nadu State Co-operative Societies,
Rep by its Secretary,
No.273, Kamadhenu Supermarket, First Floor,
Anna Salai, Chennai 600 018.
- 2.The Registrar of Co-operative Societies,
Chetpet, Chennai 600 010.
- 3.The Joint Registrar of Co-operative Societies,
Tirunelveli Region, Tirunelveli.
- 4.The Deputy Registrar, [Milk Development]/
District Election Officer, [Full Additional Charge],
Tirunelveli.
- 5.The Election Officer,
T.Y.D.245, Tirunelveli District Co-operative - Milk Producers
Union,
Tirunelveli.
- 6.The Hon'ble Chairperson,
Special Committee for Co-operative Election Disputes,
South Zone, Tirunelveli District. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to cancel all the proceedings in respect of election of electing Executive Committee Members, vide Phase No.II, in T.Y.D.245, Tirunelveli District Co-operative - Milk Producers Union, Tirunelveli, pursuant to the fourth respondent's election notification dated 18.09.2018 and consequently direct him to notify the said election by appointing a new, honest and unbiased election officer for conducting the same.



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For petitioner	: Mr.R.Anand
For Respondent No.1	: Mr.M.S.Palaniswamy
	Standing Counsel
For respondents 2to6	: 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 nomination of the petitioner has been wrongly rejected, pursuant to the nomination filed and therefore, the petitioner has come forward to file this Writ Petition.

2. The learned Additional Advocate General would submit that the signature of the petitioner has not been found in the nomination, which factum is disputed by the learned counsel appearing for the petitioner.

3. Since it is a disputed question of fact, the only way open to the petitioner is to invoke Section 90 of the Tamil Nadu Co-operative Societies Act, 1983. Therefore, we do not find any merit in the Writ Petition. Considering the facts and circumstances of the case, the petitioner is given two weeks time from the date of receipt of a copy of this order to raise dispute before the Registrar of Co-operative Societies. As and when such dispute is raised, the Registrar concerned shall consider and dispose of the same within a period of three months thereafter.

4. The Writ Petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The Secretary,
The Election Committee,
Tamil Nadu State Co-operative Societies,
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Anna Salai, Chennai 600 018.

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



3.The Joint Registrar of Co-operative Societies,
Tirunelveli Region, Tirunelveli.

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5.The Election Officer,
T.Y.D.245, Tirunelveli District Co-operative - Milk Producers
Union,
Tirunelveli.

6.The Hon'ble Chairperson,
Special Committee for Co-operative Election Disputes,
South Zone, Tirunelveli District.

+1cc to Mr.R.ANAND, Advocate, SR.No. 90272

+1cc to M/s.Special Government Pleader,SR.No. 90167

W.P.[MD].No.21203 of 2018
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NB

KK/RSK/SAR-4/12.10.2018/3P-9C