



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 01.10.2018
CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.20655 of 2018

K.Seenivasan

... Petitioner

Vs.

1. The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
273 Scheme Road,
Subbarayan Nagar,
Teynampet,
Chennai 600 018.

2. The Joint Registrar of Co-operative Societies,
Tirunelveli,
Tirunelveli District.

3. The Deputy Registrar of Co-operative Societies,
District Election Officer,
Perumalapuram,
Tirunelveli District.

4. The Managing Director,
0.2181, The Tirunelveli Consumer
Co-operative Wholesale Stores Limited,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to prepare a voters list afresh after deleting the dead members and after rectifying the flaws occurred in the earlier occasion before notifying the election to the post of Office Bearers (Executive Members) of 0.2181, The Tirunelveli Consumer Co-operative Wholesale Stores Limited, Tirunelveli District, on the basis of the petitioner's representation, dated 12.09.2018.

For Petitioner : Mr.R.Anand

For R1 : Mr.V.Karunakaran

For R2 to R4 : Mr.A.K.Baskara Pandian
Special Government Pleader

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

The petitioner claims to be one of the Members of the fourth respondent Co-operative Society viz., 0.2181, Tirunelveli Consumer Co-operative Wholesale Stores Limited, Tirunelveli District. He has come to this Court seeking writ of Mandamus directing the respondents to prepare a voters list afresh after deleting the dead members and after rectifying the flaws occurred in the earlier occasion before notifying the election to the post of Office Bearers (Executive Members) of 0.2181, Tirunelveli Consumer Co-operative Wholesale Stores Limited, Tirunelveli District, on the basis of his representation, dated 12.09.2018.

2. It is the case of the petitioner that the names of several dead persons have not been deleted from the final voters list. Immediately after seeing the list, showing the dead persons, the petitioner has given a representation to remove all the names of the dead persons before finalising the election process. He has also mentioned the names of dead persons, date of their death and the Membership Number in the fourth respondent Co-operative Society in the said representation. But it has not been considered so far. Hence, he has come to this Court with the aforementioned prayer.

3. Learned counsel appearing for the petitioner submitted that if the names of the dead persons are removed, no prejudice would be caused to anyone, otherwise the free and fair election would put to peril. There were many dead persons viz., K.Sakthivel, P.Sudalai, V.Kottursamy, R.Muthaiah Pillai, R.Velammal, B.Sankar, Nainar Pandian, Murugan, S.Murugan, V.P.K.Paramasivam and Sethu Ramapandian claiming to be the Members of the above said Society. Therefore, the learned counsel for the petitioner submitted that in view of the representation having been ignored, a direction may be issued to consider the representation of the petitioner.

4. The learned Special Government Pleader appearing for the respondents 2 to 4 submitted that the petitioner has come to this Court too early, because till date no fresh list for the fourth respondent Society has been finalised. After finalisation of the election process to the Primary Co-operative Society which is at the phase-I level, the second phase of election to the Taluk Level Co-operative Society will be completed only on 16.10.2018, by electing the President, Vice President and others. After 16.10.2018, the Election Officer will prepare a fresh voters list, necessarily by looking into the complaints and the representation given not only by the petitioner and others for deletion of the dead persons and ineligible voters. But the petitioner has wrongly and hurriedly come to this Court. In any event, while considering the finalisation of the fresh voters list, the Election Officer will prepare a fresh voters list eliminating all ineligible and dead persons. However, he has submitted that after 16.10.2018, if any new members enlisted



their names, the same may be considered by the Election Officer independently as per the Tamil Nadu Co-operative Societies Act.

5. In any event, the statement made by the learned Special Government Pleader that after completion of the second phase of election on 16.10.2018, fresh and new voters list will be prepared by eliminating the dead persons and ineligible voters and the Deputy Registrar of Co-operative Societies / the District Election Officer, Tirunelveli District, the third respondent herein shall also consider the representation given by the petitioner, dated 12.09.2018, on merits, is recorded.

6. With these observations, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-II)

To

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+1CC to the Special Government Pleader SR.No. 88207

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AKV