



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2018

CORAM :

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

W.P(MD)No.20818 of 2018
and W.M.P.No.18571 of 2018

K.Maria George

... Petitioner

vs.

1. The State Election Commissioner
Tamilnadu State Cooperative Society Election Commission,
Chennai.
2. The District Election Officer/Assistant Director of Fisheries,
Nagercoil,
Kanyakumari District.
3. The Election Voters List Officer,
Y-23 Kanyakumari District Fisherman Cooperative Federation,
Nagercoil,
Kanyakumari District.
4. The Election Officer/Assistant Commissioner (Excise)
Y-23 Kanyakumari District Fisherman Cooperative Federation,
Nagercoil,
Kanyakumari District.
5. The Election Officer,
FKK-1 Thoivalai Inland Fisherman Cooperative Society,
Office at Putheri
Nagercoil,
Kanyakumari District.
6. E.Ayyappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus to forbear the respondents 1 to 4 from conducting election to the Y23 Kanyakumari District Fisherman cooperative Federation scheduled to be held on 11.10.2018 without rectifying the defects in the voters list published by the 3rd respondent dated 25.09.2018 as pointed out by the petitioner in his representation dated 26.09.2018.



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For Petitioner	: Mr.D.Srinivasaraghavan for Mr.K.Vamanan
For Respondents	: Mr.K.Palanisamy for R1 Mr.A.K.Baskarapandian for RR2 to RR5 Special Government Pleader

O R D E R

(Order of the Court was made by T.RAJA, J.)

This writ petition has been filed for a Mandamus to forbear the respondents 1 to 4 from conducting election to the Y23 Kanyakumari District Fisherman Cooperative Federation scheduled to be held on 11.10.2018 without rectifying the defects in the voters list published by the 3rd respondent dated 25.09.2018.

2.As per the election notification, which was announced on 12.03.2018, various details of election events have been mentioned, namely, the date for releasing the list of Society members on 16.03.2018 ; date for publishing the voters list on 19.03.2018; submission of remarks or objection on the voters list on 21.03.2018 between 10.00 a.m. and 5.00 p.m.; the date for releasing the final voters list on 22.03.2018 by the electoral officer, again fixing the date of nomination on 26.03.2018, the date for scrutiny and publication of list on 27.03.2018; withdrawal of nomination on 28.03.2018, date of election on 02.04.2018; date for counting of the votes and declaration of election results on 03.04.2018.

3. The petitioner aggrieved by the notification issued by the third respondent filed W.P.(MD) No.11999 of 2018 before this Court challenging the said notification and for a consequential direction to the respondents for conduct of free and fair election based on the final voter list. The said writ petition has been disposed of along with a batch of other writ petitions by the Hon'ble First Bench in W.P.No.7620 of 2018 etc. batch vide order dated 03.08.2018, wherein, among other directions, in Paragraph No.153, a direction has been issued to the effect that the Election Commission may declare the results of the election for the Cooperative Societies, where there is no complaint whatsoever. Further, the First Bench has appointed four Committees headed by four learned Retired Judges of this Court as Chairpersons, viz., Mr.Justice S.Rajeswaran for the west zone, Mr.Justice.K.Venkataraman, for the North zone, Mr.Justice R.S.Ramanathan, for the south zone and Mr.G.Rajasurya for East Central Zone. The said Committee is looking into this matter. In the meanwhile, on the basis of the election notification dated 12.03.2018 issued by the third respondent, the sixth respondent has been elected as the President of the 5th respondent Society and the 5th respondent Society is one of the voter to the fourth



respondent Federation.

4. Now, when the petitioner has questioned the election of the 6th respondent for the post of Board of Directors to the 5th respondent Society, he cannot represent the fourth respondent Federation and cast his vote. If he is permitted to cast his vote in the fourth respondent Federation, the valuable right of the petitioner would be defeated.

5. Opposing the above prayer, the learned counsel for the first respondent State Election Commissioner, urging this Court to dismiss the writ petition, submitted that the petitioner ought not to have come to this Court under Article 226 of the Constitution of India, when his earlier writ petition challenging the election notification has been directed to be looked into by the Chairperson headed by Mr. Justice R.S. Ramanathan for south zone.

6. Adding further, he would submit that after the election notification was issued by the fifth respondent, the election to the post of Board of Directors was held on 27.03.2018 and thereafter the election for the Office Bearers to elect the President, Vice President was over on 07.04.2018 and subsequently they have also assumed office.

7. Since this Court, by order dated 03.08.2018, has appointed Mr. Justice R.S. Ramanathan, as the Chairperson of the south zone, making it clear that the election commission may declare the results to those Cooperative Societies in respect of which there is no complaint, in the present case, since there is a complaint, which has been seized of by the Chairperson, the petitioner cannot maintain the present writ petition and he has to await the decision of the Committee constituted.

8. In view of the above, this writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The State Election Commissioner
Tamilnadu State Cooperative Society Election Commission,
Chennai.



2. The District Election Officer/Assistant Director of Fisheries,
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Kanyakumari District.

3. The Election Voters List Officer,
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4. The Election Officer/Assistant Commissioner (Excise)
Y-23 Kanyakumari District Fisherman Cooperative Federation,
Nagercoil,
Kanyakumari District.

5. The Election Officer,
FKK-1 Thovalai Inland Fisherman Cooperative Society,
Office at Putheri
Nagercoil,
Kanyakumari District.

+ 1 CC TO Mr.K.VAMANAN, ADVOCATE IN SR No. 89062

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88834

RR

TE/PM/SAR-4 : 01/11/2018 : 4P/8C

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W.M.P(MD)No.18571 of 2018
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