



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.20921 of 2018

and

WMP (MD) No.18694 of 2018

K.Ganesan

... Petitioner

vs.

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

2.The Joint Registrar of Cooperative Societies,
T.S.No.6109, Annavasal Road,
Thiruvappur,
Pudukottai District.

3.The Deputy Registrar of Cooperative Societies/
District Election Officer,
20, Kamatchiamman Kovil Road,
Aranthangi,
Pudukottai District.

4.The Election Officer,
MM23, Alangudi Agricultural Producers
Cooperative Marketing Society,
Alangudi,
Pudukottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to forebear the respondents from conducting election to the Board of Management of MM23 Alangudi Agricultural Producers Co-operative Marketing Society, Alangudi, Pudukkottai District until the defects in the eligible voters list is rectified.

For Petitioner : Mr.R.Balakrishnan

For R1 : Mr.K.Palanisamy

For R2 to R4 : Mr.A.K.Baskarapandian

Special Government Pleader



O R D E R

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

This writ petition has been filed seeking mandamus to forbear the respondents from conducting election to the Board of Management of MM23 Alangudi Agricultural Producers Co-operative Marketing Society, Alangudi, Pudukkottai District until the defects in the eligible voters list is rectified, by removing the names of the 45 dead persons and also not correctly mentioning the father's names of the voters in the list.

2.Mr.K.Palanisamy, learned counsel takes notice for the first respondent. Mr.A.K.Baskarapandian, learned Special Government Pleader takes notice for the respondents 2 to 4.

3.By consent, the writ petition itself is taken up for final disposal.

4.Learned counsel appearing for the petitioner submitted that when the election notification was issued on 18.09.2018, the Electoral Officer released the final voters list on 03.10.2018, even without looking into the minimum basic thing as to whether the dead persons and the ineligible voters are removed from the final voters list. Moreover, 15 names of the voters have been shown without even indicating their fathers' names. That would cause problems. In view of the matter, a representation has been given to the respondents, but the same has not been considered till date. Hence, a direction be issued to the respondents to consider the petitioner's representation before the election takes place.

5.Learned counsel appearing for the first respondent urging this Court to dismiss the writ petition stating that the present writ petition belatedly filed is not legally maintainable. After issuing the Election Notification on 18.09.2018, an Electoral Officer has been appointed to conduct free and fair election. After his appointment, sufficient time has been given to all the members and also to the voters to give any representation/objection, indicating the defects in the voters list published on 25.09.2018 within a period of two days i.e., on or before 27.09.2018. The petitioner slept over this matter, having not given any representation before the cut off date, namely 27.09.2018, has given the representation only on 03.10.2018. Therefore, he is not entitled to come to this Court. Moreover, the representation is a belated one. However, the learned counsel fairly submits that if the names of dead persons are shown in the final voters list, that will be duly considered and by using the names of dead persons, no one will be permitted to vote. Further, since the voters are required to carry ID card issued by the Election Commission, the apprehension of the petitioner is untenable.



6. Recording the above submission, this writ petition is dismissed. No costs. Consequently, WMP(MD)No.18694 of 2018 is closed.

Sd/
Assistant Registrar(Records)

/True copy/

Sub Assistant Registrar(CS-I)

To

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

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4.The Election Officer,
MM23, Alangudi Agricultural Producers
Cooperative Marketing Society,
Alangudi,
Pudukottai District.

+1cc to M/s.Special Government Pleader,SR.No. 89191

W.P. (MD) No.20921 of 2018
05.10.2018

mj
KK/SV/SAR-1/14.11.2018/3P-6C