



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

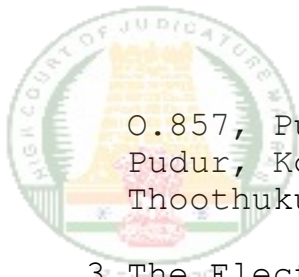
W.P. (MD) Nos. 21189, 21190 and 21432 to 21439 of 2018
and W.M.P. (MD) Nos.19033 & 19034 of 2018
and W.M.P. (MD) Nos.19035 & 19036 of 2018
and W.M.P. (MD) Nos.19313 & 19314 of 2018
and W.M.P. (MD) Nos.19315 & 19316 of 2018
and W.M.P. (MD) Nos.19317 & 19318 of 2018
and W.M.P. (MD) Nos.19319 & 19320 of 2018
and W.M.P. (MD) Nos.19321 & 19322 of 2018
and W.M.P. (MD) Nos.19323 & 19324 of 2018
and W.M.P. (MD) Nos.19325 & 19326 of 2018
and W.M.P. (MD) Nos.19327 & 19328 of 2018

K.Palraj	...	Petitioner in W.P.(MD) No.21189 of 2018
A.Jeyalakshmi	...	Petitioner in W.P.(MD) No.21190 of 2018
S.Beemaraaj	...	Petitioner in W.P.(MD) No.21432 of 2018
A.Varatharajan	...	Petitioner in W.P.(MD) No.21433 of 2018
V.Velsamy	...	Petitioner in W.P.(MD) No.21434 of 2018
G.Karuppaiah	...	Petitioner in W.P.(MD) No.21435 of 2018
N.Sethupandian	...	Petitioner in W.P.(MD) No.21436 of 2018
Murugavalli	...	Petitioner in W.P.(MD) No.21437 of 2018
Subbulakshmi	...	Petitioner in W.P.(MD) No.21438 of 2018
Palmurugan	...	Petitioner in W.P.(MD) No.21439 of 2018

-vs-

1.The Deputy Registrar of Co-operative Societies
cum District Election Officer,
Kovilpatti Region,
Thoothukudi District.

2.The Voter List Finalization Officer
<https://hcservices.ecourts.gov.in/hcservices/>
cum Sub-Registrar -
Kovilpatti Cooperative Societies,



O.857, Pudur Agricultural Producers Cooperative Marketing Society,
Pudur, Kovilpatti,
Thoothukudi District.

3.The Election Commissioner,
Tamil Nadu Cooperative Societies Election Commission,
No.273, Anna Salai,
Chennai - 600 018. ... Respondents in all the writ petitions
(R3 is suo motu impleaded vide order
dated 08.11.2018)

4.A.Annathai

5.C.Kannaki

6.S.Vanitha

7.M.Selvaraj

8.M.Vairavasankar

9.K.Ganagurusamy

10.K.Ramamoorthi

11.A.Thirumani

12.Kalaiselvi

13.B.Mahesh

14.K.Shanmugavel

... Respondents 4 to 14 in

W.P.(MD)No.21432 of 2018

(R4 to R14 impleaded vide order of this
Court made in W.M.P.(MD) No.19633 of
2018 dated 08.11.2018)

COMMON PRAYER W.P. (MD) Nos.21189 and 21190 of 2018: Petitions
filed under Article 226 of the Constitution of India, praying to
issue a Writ of Mandamus, directing the respondents to accept the
nomination of the petitioner dated 06.10.2018 and permit the
petitioner to contest the election to O.857, Pudur Agricultural
Producers Cooperative Marketing Society, Pudur, Kovilpatti,
Thoothukudi District on 11.10.2018 within the time that may be
stipulated by this Hon'ble Court.

COMMON PRAYER W.P. (MD) Nos.21432 to 21439 of 2018: Petitions filed
under Article 226 of the Constitution of India, praying to issue a
Writ of Certiorarified Mandamus, calling for the records relating to
the 2nd stage of election notification published in the news paper in
Advertising No.45/2018-2019 by the 1st respondent dated 19.09.2018
and quash the same and consequently directing the respondents to
conduct fresh election to O.857, Pudur Agricultural Producers
Cooperative Marketing Society, Pudur, Kovilpatti, Thoothukudi
District as per the eligible candidates list put up by the 2nd
respondent dated 08.10.2018.

For Petitioner in all the :Mr.P.Subbaraj
petitions

For Respondents 1 & 2 in :Mr.K.Chellapandian

all the petitions

Additional Advocate General

Assisted by Mr.A.K.Baskarapandian

Special Government Pleader



For 3rd Respondent in all: Mr. M. S. Palanisamy
the petitions

For Respondents 4 to 9, : Mr. J. Anand Kumar
11, 12 & 14 in W.P. (MD)
No. 21432 of 2018

COMMON ORDER

(Order of the Court was made by P.D. AUDIKESAVALU, J.)

According to the petitioners, they had submitted their nominations for the post of Director in the Election that was to be conducted for the Board of Directors of O.857, Pudur Agricultural Producers Cooperative Marketing Society, Pudur, Kovilpatti, Thoothukudi District on 06.10.2018.

2. In W.P. (MD) Nos. 21189 and 21190, it is complained by the petitioners therein that no scrutiny has been conducted by the first respondent as per Rule 52(8) (e) of Tamil Nadu Cooperative Society Rules, 1988 and their nominations had been unlawfully rejected without any justification and they have sought for a direction to accept their nominations and permit them to contest the election.

3. In W.P. (MD) Nos. 21432 to 21439 of 2018, it is complained by the petitioners that though their names were found to be in order and their names were included in the names published on that day, their names were not published in the final list on 09.10.2018. On enquiries made by them, it was informed that they have withdrawn their nominations. It is contended by the petitioners that they have neither withdrawn their nominations nor had authorised anyone to do so on their behalf. In such circumstances, the petitioners have approached this Court challenging the notification of the first respondent dated 19.09.2018 and for consequential direction to conduct election afresh.

4. When the matter was taken up for hearing before this Court on 08.11.2018 Mr. M. S. Palanisamy, the learned Standing Counsel appearing on behalf of the Election Commissioner, Tamil Nadu Cooperative Societies, Election Commission/third respondent informed that the complaints of the petitioners would be examined, and if found to be true, the election process would be directed to be carried out afresh from the stage in which the defect has been found and he would report before this Court. Accordingly, the learned Standing Counsel for the Election Commission for Tamil Nadu Cooperative Society has today produced an order on 23.11.2018 stating that on enquiry conducted by the third respondent/Election Commission for Tamil Nadu Cooperative Societies, it has been found that there have been irregularities committed in the scrutiny,

scrutiny of
would be

4. These Writ Petitions are allowed on the aforesaid terms. Consequently, connected Miscellaneous Petitions are closed. No Costs.

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To

2.The Voter List Finalization Officer
cum Sub-Registrar -
Kovilpatti Cooperative Societies,

0.357, Pudur Agricultural Producers Cooperative Marketing Society,
Pudur, Kovilpatti,
Thoothukudi District.



3. The Election Commissioner,
Tamil Nadu Cooperative Societies Election Commission,
No.273, Anna Salai,
Chennai - 600 018.

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Copy To:

1. The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai. (For Reporting Compliance)
 2. The Section Officer,
Writ Section
Madurai Bench of Madras High Court,
Madurai. (For Reporting Compliance)
- 1 CC TO Mr.J.ANANDAKUMAR , ADVOCATE IN SR No. 97000.
 - + 2 CCs TO Mr.P.SUBBARAJ , ADVOCATE IN SR Nos.97159,97160.
 - +1 cc to Special Government Pleader, SR.No.97367.
-
- Sj
 - DS SV SAR4 30 11 2018 5P 10C

W.P. (MD) Nos. 21189, 21190 and 21432 to 21439 of 2018
26.11.2018