



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.21258 of 2018

and W.M.P. (MD) Nos.19093 and 19094 of 2018

K.Vijayakumar

... Petitioner

-vs-

1.The Election Officer,
Tamil Nadu Cooperative Societies,
Teynampet,
Chennai.

2. Administrative Officer cum District Collector,
TYD 245 Tirunelveli District Milk
Producers Cooperative Society,
Reddiarpatti, Tirunelveli.

3.District Registrar (Dairying),
District Election Officer,
Cooperative Milk Societies and Milk Union,
Collectorate Campus,
Kockikalulam,
Tirunelveli.

4.Election Officer,
TYD 245 Tirunelveli District Milk
Producers Cooperative Society,
Reddiarpatti,
Tirunelveli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified mandamus, calling for the records of the 4th Respondent by his proceedings dated 08.10.2018 and quash the same and direct the 4th respondent to include the petitioner as a contestant for the present election to the post of director.

For Petitioner : Mr.K.P.S.Palanivel Rajan

For 1st Respondent : Mr.M.S.Palaniswamy

For Respondents 2 & 3 : Mr.K.Chellapandian
Additional Advocate General,
Assisted by
Mr. A.K.Baskara Pandian
Special Government Pleader

**O R D E R**

(Order of the Court was made by M.M.SUNDRESH, J.)

WEB COPY This writ petition has been filed seeking to quash the proceedings of the 4th Respondent dated 08.10.2018 and to direct the 4th respondent to include the petitioner as a contestant for the present election to the post of director.

2. Heard the learned counsel appearing for the petitioner, the learned counsel for the first respondent and the learned Additional Advocate General appearing for the respondents 2 and 3.

3. The learned Additional Advocate General on instructions submitted that there is no signature found in the nomination filed by the petitioner and therefore it was rejected, which factum is disputed by the petitioner.

4. In as much as the issue relates to disputed questions of facts and the election process has already commenced, we are of the view that the matter has to be agitated before the Registrar of Co-operative Societies, under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983.

4. In such view of the matter, the Writ Petition is dismissed with liberty to the petitioner to file appropriate application before the concerned Registrar of Co-operative Societies. As and when such application is filed, the Registrar shall consider and dispose of the same within a period of three months from the date of receipt of application from the petitioner. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. Administrative Officer cum District Collector,
TYD 245 Tirunelveli District Milk
Producers Cooperative Society,
Reddiarpatti,
Tirunelveli.



2.District Registrar (Dairying),
District Election Officer,
Cooperative Milk Societies and Milk Union,
Collectorate Campus,
Kockikalulam,
Tirunelveli.

+1cc to Mr.K.P.S.Palanivel Rajan, Advocate Sr.No.89885
+1cc to Spl.Government Pleader Sr.No.90165

SJ

VB/VR/SAR4/16.10.2018/3P/5C

W.P. (MD) No.21258 of 2018
and W.M.P. (MD) Nos.19093 and 19094 of 2018
10.10.2018