



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2018

CORAM:

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

W.P. (MD) No. 21305 of 2018
and W.M.P.(MD) No.19169 to 19171 of 2018

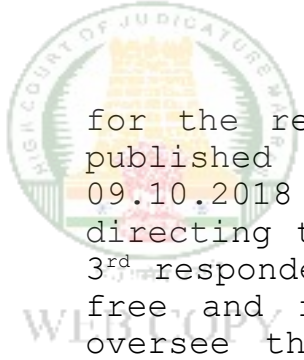
K.Rajeshkannan

... Petitioner

-vs-

- 1.The Election Commissioner,
Tamil Nadu Cooperative Societies Election Commission,
No.273, Anna Salai,
Chennai - 600 018.
- 2.The Deputy Registrar of Cooperative Societies/
District Election Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Election Officer,
O.522, Kovilpatti Agriculture Producers
Cooperative Marketing Society Ltd.,
Sathur Road,
Kovilpatti - 628 501,
Thoothukudi District.
- 4.Mr.B.Subbaiah,
The Election Officer,
O.522, Kovilpatti Agriculture Producers
Cooperative Marketing Society Ltd.,
Sathur Road,
Kovilpatti - 628 501,
Thoothukudi District.
- 5.P.Chairamakani
- 6.R.Kalyani
- 7.S.Muthulakshmi
- 8.S.Chellachamy
- 9.V.Suganthi
- 10.Su.Ayyadurai Pandian
- 11.Su.Neethi Rajan
- 12.A.Avaiyar Selvam
- 13.A.T.R.Gopal Samy
- 14.S.Muthukrishna Pandian
- 15.R.Paramasivam

... Respondents



for the record relating to the impugned final list of candidates published by the 3rd respondent in his proceedings Nil dated 09.10.2018 and quash the same as illegal, arbitrary and consequently directing the respondents 1 to 3 to conduct election afresh for the 3rd respondent co-operative society to elect Board of Directors in a free and fair manner by appointment of Advocate Commissioner to oversee the entire process of election from the date of filing nomination until the declaration of results of the candidates.

For Petitioner :Mr.B.Saravanan

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

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

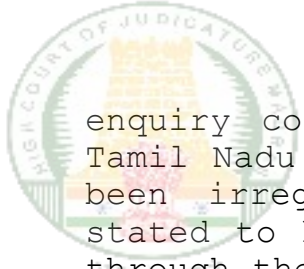
For Respondents 5 to 15 :Mr.J.Anand Kumar

O R D E R

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

According to the petitioner, he had submitted his nomination for the post of Director in the Election that was to be conducted for the Board of Directors of O.522, Kovilpatti Agricultural Producers Cooperative Marketing Society Ltd., on 06.10.2018. During the scrutiny on 08.10.2018 his nomination was found to be in order and his name was included in the list of valid nomination published on that day. However, in the final list published on 09.10.2018, the name of the Petitioner had not been found and on enquiries, it was informed to him that he had withdrawn his nomination. It is complained by the petitioner that he had neither withdrawn his nomination nor had authorised anyone to do so on his behalf. In such circumstances, the Petitioner has approached this Court, challenging the proceeding of the Election Officer dated 09.10.2018 declaring the unanimous election of the fifth to fifteenth respondents and for consequential direction to conduct election afresh by appointing an Advocate Commissioner to oversee the entire process.

2.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/first respondent informed that the complaint of the petitioner will 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 Co-operative Society has today produced an order on 23.11.2018 stating that on



enquiry conducted by the first respondent/Election Commission for Tamil Nadu Cooperative Societies, it has been found that there have been irregularities committed in the withdrawal of nominations stated to have been made by the candidates either by themselves or through the person authorised by them and in such circumstances, the election culminating in declaration of results that the fifth to fifteenth respondents as having been elected as unopposed, has been cancelled and the election process has been directed to be conducted afresh from the stage of scrutiny of nominations and that the new time schedule for the same would be announced separately. It has been further stated that disciplinary action has been directed to be taken against the erring election officer.

3. In view of the aforesaid submissions, the impugned order dated 09.10.2018, issued by the third respondent declaring fifth to fifteenth respondents as having been elected as Director of O.522, Kovilpatti Agricultural Producers Cooperative Marketing Society Ltd., Kovilpatti is set aside. The election process shall be conducted from the stage of scrutiny of nominations, which have already been received, as per the new time schedule to be announced by the first respondent/Election Commission for Tamil Nadu Cooperative Societies. The aforesaid exercise, which shall be fully video-graphed, shall be completed and a compliance report in that regard shall be submitted to the Registrar (Judicial) of this Court by 31.12.2018. It is further made clear that the first respondent/Election Commission shall forthwith appoint a different Election Officer against whom there are no complaints of any irregularities in the conduct of elections, to complete the election process.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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



2.The Deputy Registrar of Cooperative Societies/
District Election Officer,
Kovilpatti,
Thoothukudi District.

3.The Election Officer,
O.522, Kovilpatti Agriculture Producers
Cooperative Marketing Society Ltd.,
Sathur Road,
Kovilpatti - 628 501,
Thoothukudi District.

Copy to

1.The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai. **(For Reporting compliance on 31.12.2018)**

2.The Section Officer, (Writ Section)
Madurai Bench of Madras High Court,
Madurai. **(For Reporting compliance)**

- 1 CC TO Mr.B.SARAVANAN , ADVOCATE IN SR No.97205.
- + 1 CC TO Mr.J.ANANDKUMAR , ADVOCATE IN SR No.96999.
- +1 cc to Special Government Pleader, SR.No.97582.

SJ

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