

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Rew. Appln. 100 of 2019
in
W.P.No. 21115 of 2018

C.Krishnan ... Petitioner /4th Respondent

/vs/

1. C.Munirathinam ... Respondent/
Writ Petitioner

2. The Commissioner,
Tamil Nadu State Co-operative
Societies Election Commission,
No.273, Kamadhenu Supermarket,
Chennai 600 018.

3. The District Election Officer and
Deputy Registrar of Co-operative Societies,
Krishnagiri Circle,
Krishnagiri District.

4. Thiru G.Gnanasekaran,
Election Officer,
S.615, Kundalappatti Primary Agricultural,
Co-operative Credit Society Ltd.,
Kundalappatti & Post,
Krishnagiri Taluk,
Krishnagiri District ... Respondents

PRAYER : Review application under Order 47 Rule 1 read with
Section 114 CPC to review the order dated 27.11.2018 passed in
W.P.No.21115 of 2018 on the file of this Court.

Prayer in WP No.21115 of 2018 : Petition filed under Article
226 of the Constitution of India praying to issue a writ of
mandamus writ or direction, directing the respondents 1 to 3
to permit the petitioner to assume the office of the President
of 3rd respondent society as per the declaration dated
11.08.2018 if necessary by cancelling the election of the 4th
respondent

For Petitioner : Mr.V. Manohar

For Respondents : Mr.S. Kamadevan, for R1

: Mr.M.S.Palanisamy, for R2

: Mr. L.P.Shanmugasundaram, R3

: Mr.P.Mani, for R4

O R D E R

This review petition has been filed by the fourth respondent in the writ petition, seeking to review the order dated 27.11.2018 passed in W.P.No.21115 of 2018.

2. According to the petitioner, he had been elected as a president of the fourth respondent/Co-operative Society, Krishnagiri. It is stated that election has been properly conducted and the review petitioner/4th respondent in the writ petition had been duly elected. Without considering the entire records, this Court has held that, there was some controversy in conducting the election and the election held to the post of President has been set aside.

3. The learned counsel appearing for the review petitioner would submit that, after conducting the proper election, the review petitioner has been elected, which was not considered by this Court, while passing the said order. That apart, the review petitioner never intimidated the fourth respondent /Election Officer, to electing him for the post of the President. Now, the Joint Registrar, Co-operative Societies, Krishnagiri has been directed to conduct an enquiry in respect of the allegations made by the third respondent therein. The review petitioner bonafidely believe that he will not get any justice at the hands of the Joint Registrar/enquiry officer, Krishnagiri and some other Joint Registrar may be directed to conduct enquiry. The learned counsel for the review petitioner would further submit that the writ petitioner is not qualified to participate in the election and the review petitioner may be given liberty to raise his objection for the nomination of the writ petitioner in the election to be conducted.

4. I have heard the learned counsel for the petitioner and the respondent and perused the materials available on record.

5. This Court, while passing the order, considered all the relevant records and has come to a conclusion that the election was not conducted in a free and fair manner, and two declarations were issued in favour of the writ petitioner as well as the review petitioner, declaring them elected as President of the Society. In the above circumstances, the first respondent therein was directed to issue a fresh

schedule for conducting election to the post of the President of the Society. I find no error in the order passed by this court warranting to review the order, and there is no merit in the review petition.

6. However, considering the request of the learned counsel for the review petitioner, as he expressed apprehension against the Joint Registrar, Co-Operative Society, Krishnagiri, the Joint Registrar, Co-operative Society, Dharmapuri is directed to conduct enquiry instead of the Joint Registrar, Krishnagiri. The Joint Registrar, Dharmapuri, is directed to complete the enquiry within a period of six weeks from the date of receipt of a copy of this Order and file the report to the Registrar of Co-operative Society.

7. If the petitioner has any objection regarding the nomination of the candidates, it is always open to him to raise his objection before the Election Officer. Accordingly, the Review Petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

mrp
To

1. The Commissioner,
Tamil Nadu State Co-operative
Societies Election Commission,
No.273, Kamadhenu Supermarket,
Chennai 600 018.
2. The District Election Officer and
Deputy Registrar of Co-operative Societies,
Krishnagiri Circle,
Krishnagiri District.
3. The Election Officer,
S.615, Kundalappatti Primary Agricultural,
Co-operative Credit Society Ltd.,
Kundalappatti & Post,
Krishnagiri Taluk,
Krishnagiri District

+lcc to Mr.P.Mani, Advocate SR.No.84347
+lcc to Mr.V. Manohar, Advocate SR.No.84287(20/12/2019)
Rew. Appln. 100 of 2019

VG II(CO)
GMY(28/11/2019)