

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.3669 of 2019
and W.M.P.No.4024 of 2019

S.Ravi

... Petitioner

Versus

1.The Tamil Nadu Co-operative Societies,
Election Commissioner,
Kamadenu Supermarket Building,
No.273, Scheme Road,
Subburayan Nagar, Teynampet,
Chennai-600 018.

2.The Election Officer,
Ponnai Primary Co-operative Bank,
Ponnai,
Vellore District-632 514.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus calling for the records from the 2nd respondent election officer relating to the impugned election notice dated 04.02.2019 and quash the same and direct the respondents to announce the results of the election already held on 27.04.2018 of the Ponnai Primary Agricultural Co-operative Bank.

For Petitioner : Mr.Rajaram
For R1 : Mr.M.S.Palanisamy
For R2 : Mr.L.P.shanmugasundar
Spl.Government Pleader

W E B C O P Y
O R D E R

The writ petitioner is a member governing power of Ponnai Primary Agricultural Co-operative Society, Vellore District.

2. The Election for the Ponnai Primary Agricultural Co-operative Society was held on 07.04.2018 and 11 members were elected including the writ petitioner. The election to the post of the President and Vice President was scheduled to be held on 27.04.2018. Due to intervention of the Court order, though the voting held on 27.04.2018, the results were not declared. Later, this Court permitted to the Election Commissioner to declare

the results, wherever voting was completed except counting and declaration of results. So far as, the second respondent Society is concerned the result of President and Vice President election, which was held on 27.04.2018 not declared. However, the second respondent has issued the impugned notice dated 04.02.2019 that there will be a fresh election for President and Vice President on 08.02.2019. The said notice is under challenge in this writ petition.

3. From the records, this Court finds that the election, which was held on 27.04.2018, ought to have been culminated on declaration of results after counting, which was stopped due to interim order passed by this Court. Later, after the said interim order vacated, the Returning Officer ought to have counted the votes and declare the result. However, instead of counting the votes, he has informed to the Election Officer that there is a law and order problem. Extraordinary situations not conducive to count the vote prevails and therefore, he has postponed the process of counting the vote. However, the Election Officer has issued the impugned notification re-fixing the date for fresh election for the post of President and Vice President of the second respondent Society. On the face of it, the impugned order is bad in law, since the process of electing President and Vice President of the second respondent Society has already commenced and almost completed except counting of votes and declaration of result. Without cancelling the said election, the Election Officer cannot pass the order for fresh election making the process already undergone as null.

4. Therefore, this Court is no hesitation to quash the impugned order of the said election order and hence, consequently direct the Election Officer/first respondent to instruct the Returning Officer to count the vote in the election held on 27.04.2018 and declare the result. The process of counting and declaring results shall be completed within two weeks from today. It is open to the authority to get necessary police protection if required.

5. Accordingly, the writ petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Tamil Nadu Co-operative Societies,
Election Commissioner,
Kamadenu Supermarket Building,
No.273, Scheme Road,
Subburayan Nagar, Teynampet,
Chennai-600 018.

2.The Election Officer,
Ponnai Primary Co-operative Bank,
Ponnai.

+1cc to Mr.Rajaram, Advocate SR.No. 52451

+1cc to Mr. Mr.L.P.shanmugasundar, Advocate SR.No. 52952

+1 cc to spl Government Pleader Sr.No. 52564

W.P.No.3669 of 2019
and W.M.P.No.4024 of 2019

A.SK(22/07/2019)



WEB COPY