

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.4416 and 4422 of 2019
and

WMP Nos.4972, 4973, 4975, 4978 of 2019

M.Purusappan Petitioner in W.P. No.4416 of 2019
R. Jayaraman Petitioner in W.P. No.4422 of 2019

Vs.

- 1) The Election Commissioner for
Co-operative Societies
Raja Annamalaipuram,
Chennai - 600 028.
- 2) The District Joint Registrar of
Co-operative Societies
Co-operative Society colony
Krishnagiri -635 001.
- 3) The District Election Officer cum
Deputy Registrar of Co-op. societies,
M.G. Road,
Gandhi statue,
Hosur - 6.
- 4) The Election Officer,
S-836, Royakottai Primary Agricultural
Co-operative Credit Society
Royakottai,
Thenkanikottai Taluk,
Krishnagiri District.
- 5) S-836, Royakottai Primary Agricultural
Co-op Credit Society rep. by its Secretary In-charge,
Royakottai,
Thenkanikottai Taluk,
Krishnagiri District.
- 6) K.Saroja
- 7) R. Kodimalar
- 8) M.Chinnathai
- 9) K.Raja

- 10) K.Lalitha
- 11) K.Subramani
- 12) B.Rajini
- 13) R.R. Srinivasan
- 14) R.V. Muniappan
- 15) R.K. Munusamy

... Respondents in both
W.P.No.4416 of 2019
and 4422 of 2019

- 16) M.Purusappan

... 16th respondent in
W.P. No.4422 of 2019

Common Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to call for the records of the impugned order No.Nil, dated 10.01.2019 of the 4th respondent herein declaring the election of Board of Directors and the subsequent order No.Nil dated 21.01.2019 of the 4th respondent herein declaring the election of President and Vice-President to the 5th respondent society quash the same and to direct the 1st respondent herein to hold fresh election to the Board of Directors of the 5th respondent society.

For Petitioner
in both writ petitions : Mr.G.Purshothaman

For Respondents
in both writ petitions : Mr.M.S.Palanisamy forR1
Mr.D.Venkatachalam,
Additional Government Pleader
for RR2 to 5

COMMON ORDER

By consent of learned counsel on both sides, these writ petitions are taken up for final disposal at the stage of admission itself.

2. According to the petitioners, the 5th respondent Society comprising of 11 Directors and when the election was notified to the 5th respondent Society, the posts were notified for General Category - 6, for Women - 3 and for SC/ST - 2 were classified. Subsequently, challenging the election declaration published on 07.08.2018, two persons filed W.P.21440 of 2018. This Court by its order dated 24.10.2018 has set aside the election declaration published on 07.08.2018.

3. The learned counsel for the petitioners in W.P. No.4416

of 2019 submitted that the election was conducted without publishing proper election schedule and without following the due process of law. Hence, challenging the aforesaid impugned result, declaring the election of Board of Directors as void, the petitioners have filed these writ petitions.

4. The learned counsel for the first respondent would submit that Section 90 of the Tamil Nadu Co-operatives Societies Act would not be applicable to this case. The prayer in these writ petitions is for declaration of the election of the Board of Directors as void, which relief has to be sought for under Section 34 of the Tamil Nadu Co-operatives Societies Act before the Deputy Registrar. Thus, the petitioners have to submit fresh representation before the Deputy Registrar concerned for appropriate relief.

5. The learned counsel for the petitioners also submitted that the 6th and 12th respondents were not Members of the Society. In view of the submission made by the learned Special Government Pleader, liberty may be granted to the petitioners to file a representation challenging the declaration of the election of the Board of Directors of the Society under Section 34 before the Dy. Registrar, Hosur.

6. The learned Additional Government Pleader appearing for the respondents 2 to 5 submitted that if any, such representation is received from the petitioners, the same would be considered by the respondents, on merits and in accordance with law, within a time stipulated by this Court.

7. Heard the submissions made by the learned counsel on either side and perused the materials placed on record.

8. The persons, who are alleged to be elected as Board of Directors have already been impleaded in these petitions as 6th and 12th respondents and in the above circumstances, the learned counsel for the petitioner seeks liberty to file fresh representation alone.

9. In view of the aforesaid prayer, this petition is disposed of granting liberty to the petitioner to file a fresh representation to the Deputy Registrar, Hosur, within a period of one week from the date of receipt of a copy of the order and the 4th respondent is directed to consider the same on merits

and in accordance with law as expeditiously as possible.

10. With the above directions, these Writ Petitions stand disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi2

To

- 1) The Election Commissioner for
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Co-operative Credit Society
Royakottai, Thenkanikottai Taluk,
Krishnagiri District.
- 5) The Secretary In-charge,
S-836, Royakottai Primary Agricultural
Co-op Credit Society, Royakottai,
Thenkanikottai Taluk, Krishnagiri District.

+2cc to Mr.G.Purshothaman, Advocate, S.R.No.13912, 13911
+1cc to the Government Pleader, S.R.No.15097

W.P.Nos.4416 and 4422 of 2019

KJ(CO)
CS/03/04/2019