

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.10.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition Nos.7104 and 26956 of 2019  
and  
W.M.P.Nos.7826 and 26343 of 2019

1.Vijaya Kumar ...Petitioner in W.P.Nos.7104 & 26959 of 2019  
2.Kempuraj  
3.Anbazhagan  
4.Anandan  
5.Bakiyaraj  
6.Azhgamalai  
7.Ramajayam  
8.Nakuleswaran  
9.Kathirvel  
10.Ravichandran ...Petitioners 2 to 10 in W.P.No.7104 of 2019

Vs.

1.The Election Commissioner,  
Tamil Nadu Co-operative Society,  
Election Commission,  
No.273, Anna Salai,  
Chennai - 600 002.

2.The Joint Registrar-cum-District Election Officer,  
Nilgiris District Circle,  
Tamil Nadu Co-operative Society,  
Ootacamund,  
Nilgiris District. ..Respondents in W.P.Nos.7104 & 26959 of 2019

3.The Co-operative Societies Election Dispute Committee,  
Co-operative Societies Election Dispute Committee,  
West Zone- Opp. to Railway Station,  
Coimbatore.

4.The Managing Director,  
Nilgiri District Plantation Workers Co-operative  
Thrift and Credit Society,  
Coonoor-Nilgiri District. ..Respondents in W.P.Nos.7104 of 2019

Prayer in W.P.No.7104 of 2019 :- This Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, praying to call for the records comprised in the proceedings of the 3rd respondent in case No.245 of 2018, dated 30.11.2018 and 21.12.2018 and direct the 1st and 2nd respondent to issue a fresh notification for the purposes of electing the Office Bearers of the Nilgiri District Plantation Workers Co-operative Thrift and Credit Society (J.188) at Raman Nair Building, Rockby, Coonoor - 643 101.

Prayer in W.P.No.26956 of 2019:- This Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, praying to call for the records comprised in the proceedings of the 1st respondent bearing Na.Ka.No.8782/2018/Ku.The.2, dated 30.08.2019 and direct the 1st and 2nd respondents to issue a fresh notification for the purposes of election to the Executive Committee/Office Bearers, President and Vice President of the Nilgiri District Plantation Workers Co-operative Thrift and Credit Society (J.188) at Raman Nair Building, Rockby, Coonoor - 643 101.

For Petitioner in both W.Ps :Mr.T.T.Ravichandran

For Respondents in both  
W.Ps

:Mr.S.Palaniswamy  
Standing Counsel for R1  
Mr.D.Venkatachalam  
Additional Government Pleader  
for R2 to R4

ORDER

By consent, the main writ petitions are taken up for final disposal at the admission stage itself.

2. Heard Mr.T.T.Ravichandran and Mr.S.Palaniswamy, Standing Counsel for R1, Mr.D.Venkatachalam, Additional Government Pleader for R2 to R4, appearing on behalf of the respondents.

3. The petitioner herein is one of the member of the Nilgiri District Plantation Workers Co-operative Thrift and Credit Society, registered under the Co-operative Societies Act, functioning, since 1961.

4. The present writ petition has been filed seeking a writ of Certiorarified Mandamus, calling for the records of the first respondent proceedings dated 30.08.2019, issued pursuant

to the Zonal Committee order constituted by the Division Bench of this Court. The sum and substance of the writ petition is that the Society election was earlier notified on 02.05.2018, inviting nomination and this consequently processed. However, the said election process was postponed in view of the petition filed before the Election Dispute Committee. Later, on the request of some of the members, the Election Commission decided to conduct election at two booths namely Coonoor and Gudalur, as per the candidates list finalised on 28.08.2018. When the said proposal was the members, some of them expressing inconvenience of conducting election in two booths without identifying the voters of the respective booth. Thereafter on 30.08.2019 the Election Commission has issued the impugned proceedings fixing the date of polling as 12.09.2019. According to this proceedings, the election process which commenced on 28.08.2018 and got postponed on several occasions for various reasons was sought to be continued from the stage it was stopped. Nomination of 28 candidates, who intended to participate in response to the first notification dated 02.05.2018 were accepted and a list dated 28.08.2018 was released.

5. The learned counsel appearing for the petitioner as well as respondents would submit that this proceedings of the Election Commission dated 30.08.2019 fixing the polling date as 12.09.2019 was also got postponed.

6. Presently status the election for the Nilgiri District Plantation Workers Co-operative Thrift and Credit Society, could not be held due to multiply factors. First, the polling booths on the request of some members for logistic purpose identified as Coonoor and Gudalur. But respective voters list for the booth was not identified. Secondly, the frequent postponement of the polling dates have rendered the nomination of 28 persons made in the month of August 2018 a redundant and out dated. सत्यमेव जयते

7. It is submitted by the learned counsel appearing by the respondents that separate voters list for the respective polling booths has been prepared and the Election Commission is ready to conduct election. Anyhow, due to lapse of more than a year, the earlier notification dated 02.05.2018 cannot be taken into account. A fresh notification alone will be proper. Hence, the Election Commission is directed to issue fresh election schedule as per the Co-operative Society Rules and conduct the election in a fair and free manner right from the stage of filing nomination.

8. Accordingly, the W.P.No.26956 of 2019 is disposed of with the above direction. In view of the above order, the prayer in W.P.No.7104 of 2019 has become infructuous and the same is closed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Election Commissioner,  
Tamil Nadu Co-operative Society,  
Election Commission,  
No.273, Anna Salai,  
Chennai - 600 002.

2.The Joint Registrar-cum-District Election Officer,  
Nilgiris District Circle,  
Tamil Nadu Co-operative Society,  
Ootacamund, Nilgiris District.

3.The Co-operative Societies Election Dispute Committee,  
Co-operative Societies Election Dispute Committee,  
West Zone- Opp. to Railway Station,  
Coimbatore.

4.The Managing Director,  
Nilgiri District Plantation Workers Co-operative  
Thrift and Credit Society,  
Coonoor - Nilgiri District.

+1cc to M/s.D.Venkatachalam, Advocate Sr.No.88109 & 88110

AKM/29.11.19 /4P-7C/

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