

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.5234 of 2019 & WMP No.5944 & 5945 of 2019

Kumaresan ... Petitioner
Vs

1. The District Election Officer,
(Co-Operative Societies),
Krishnagiri
Krishnagiri District
2. The Registrar of Co-operative Societies,
N V Natarajan Maligai,
Periyar EVR High Road,
Poonamalle High Road,
Kilpauk, Chennai-10
3. Theneer Vailar,
O/o Assistant Director,
Khadi Village Industries Board,
Anna Pattu Maligai, Salem -108.
4. The Chief Executive Officer,
Khadi Village Industries Board,
Kuralagam, Chennai - 108.
5. District Election Officer,
S.814, Ramakrishnampathy Panaivellam
Co-Operative Credit Society,
Ramakrishnampathy,
Uthangarai Taluk, Krishnagiri District.
6. Saminathan
7. Sivalingam
8. Raja @ Rajendran ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for the issue of appropriate writ order or direction in the nature of a Writ of Certiorarified Mandamus, to call for the records in connection with election notice dated 13.02.2019 fixing the election date 18.02.2019 of the 5th

respondent and quash the same and consequently direct the respondents 1 to 5 to include the name of the petitioner in the election list.

For Petitioner : Mr.K.Thiruvengadam
For Respondents : Mr.D.Venkatachalam
Additional Govt. Pleader
Co operative for RR1 to 5

O R D E R

The present Writ Petition has been filed, challenging the Election Notice dated 13.02.2019, thereby fixing the election date as 18.02.2019 for the 5th respondent Co-operative Credit Society, quash the same and for further direction, directing the respondents 1 to 5 to include the name of the petitioner in the election list.

2. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5.

3. In an identical situation, this Court has passed a detailed order in W.P.No.12915/2013 dated 12.09.2017 (K.J.Chcrian vs. State of Tamil Nadu represented by the Secretary to the Government, Co-operation, Food Consumer Protection (CJ1) Department, Fort St. George, Chennai-9). Following the same, this Court is of the view that when the election date for the 5th respondent Society has already been declared, if the petitioner has got any grievance over the same, he can very well approach the appropriate authority challenging the declaration of the election or the election Notification in respect of the 5th respondent. Therefore, when the remedy for the petitioner lies before some other authority, without availing the same, he cannot approach this Court.

4. In view of the above, the Writ Petition is dismissed with liberty to the petitioner to approach the appropriate authority. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The District Election Officer (Co-Operative Societies)
Krishnagiri
Krishnagiri District

2. The Registrar of Co-operative Societies
N V Natarajan Maligai
Periyar EVR High Road
Poonamalle High Road
Kilpauk, Chennai-10

3. Theneer Vailar
O/o Assistant Director
Khadi Village Industries Board
Anna Pattu Maligai, Salem -108

4. The Chief Executive Officer
Khadi Village Industries Board
Kuralagam, Chennai - 108

5. District Election Officer
S.814, Ramakrishnampathy Panaivellam Co-Operative Credit
Society
Ramakrishnampathy, Uthangarai Taluk, Krishnagiri District

+1 CC to Mr.K.Thiruvengadam, Advocate sr 17280.

+1 CC to Mr.D.Venkatachalam, Advocate sr 17156.

SAI (CO)
SP(20/03/2019)

W.P.No.5234 of 2019

सत्यमेव जयते

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