

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.5520 of 2019 &
W.M.P.Nos. 6278, 6280 & 6281 of 2019

1.N.Mathivanan
2.C.Muruganantham

...

Petitioners

Vs.

1.The Commissioner,
Tamil Nadu State Co-operative
Societies Election Commission,
No.273, Anna Salai, Teynampet,
Chennai - 600 018.

2.The District Election Officer /
Deputy Registrar,
T860, Tiruvarur Consumer Co-operative Societies
Whole Sale Limited,
Thiruvarur District.

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Respondents

सत्यमेव जयते

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records connected with the Election Advertisement published in Daily Thanthi issued under Rule 52 (6)(a) of Tamil Nadu Co-operative Societies Act, 1988 issued on 20.02.2019 issued by the second respondent and quash the same and consequently direct the respondents to delete the dead person names in the voters list and to give sufficient time to conduct the election and allow the petitioners to submit their nominations.

For Petitioners : Ms.S.Ilamvaludhi

For Respondents : Mr.M.S.Palaniswamy
Standing Counsel for R1

Mr.Bala Ramesh
Special Government Pleader for R2

* * *

ORDER

By consent, this Writ Petition is taken up for final disposal. Mr.M.S.Palaniswamy, learned Standing Counsel takes notice for the first respondent and Mr.Bala Ramesh, learned Special Government Pleader takes notice for the second respondent.

2. According to the petitioners, the second respondent-Society has published election advertisement on 22.02.2019 in Daily Thanthi and it is stated therein that for T.898 Thanjavur Co-operative Society, election will be conducted and the time is granted for filing nomination by 22.02.2019 and that will be taken for scrutiny on 23.02.2019 and on the same day, the eligible voters list will be published and the nominees may withdraw their nominations on 25.02.2019 and on 25.02.2019 itself the eligible nominees' name will be published. It is further stated in the advertisement that the election will be conducted on 01.03.2019 and on 02.03.2019, the votes will be counted and the result will be announced.

3. According to the petitioners, time granted for submitting the nomination is not sufficient and hence, they made representations before the first respondent on 22.02.2019. Since there was no response from the first respondent, the petitioners are before this Court.

4. The learned Standing Counsel appearing for the first respondent objected the submission of the learned counsel for the petitions that sufficient time has not been granted, however, he submitted that the representations of the petitioners dated 22.02.2019 will be considered in accordance with law.

5. In the light of the above submissions and also considering the facts of this case, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioners dated 22.02.2019 and pass appropriate orders on merits and in accordance with law, after providing opportunity to the parties, as early as possible, on or before 01.03.2019. The first respondent is directed to communicate to the concerned parties forthwith appearing for enquiry.

6. With the above direction, the Writ Petition is disposed of.
There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.02.2019
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Index:Yes/No
Speaking / Non-Speaking order

Note : Issue order copy on 27.02.2019

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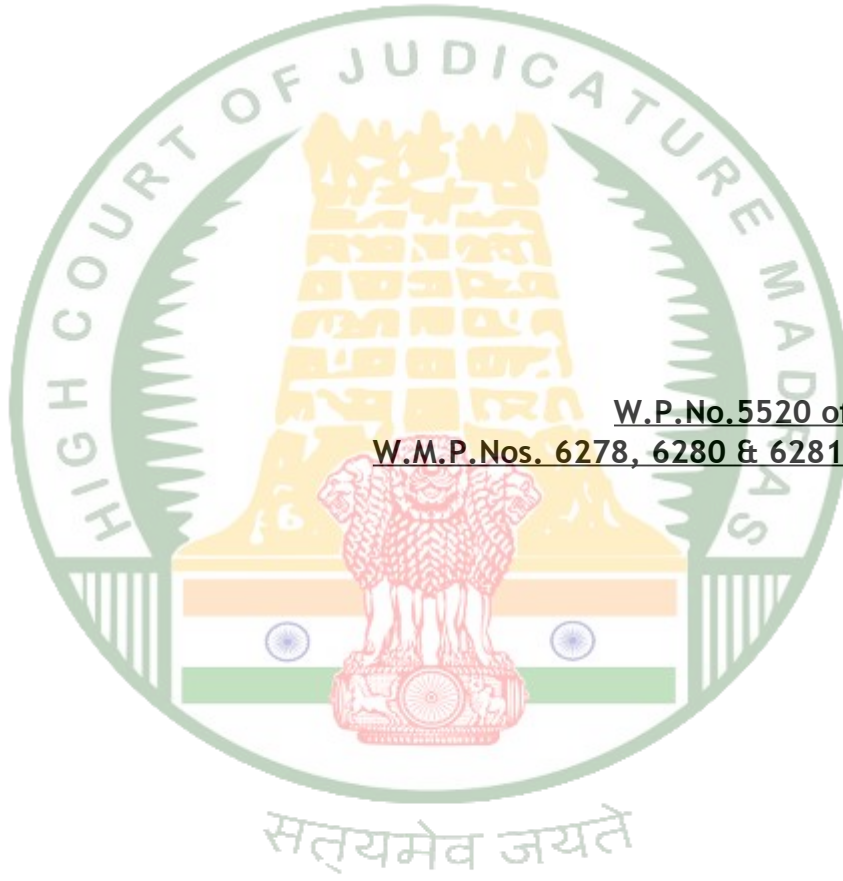
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