

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.5528 of 2019
and
W.M.P.No.6290 of 2019

K.E.Krishnamurthy,
S/o.Ellappa Gounder,
President,
D.D-9, Uthangarai Agricultural Producers,
Co-operative Marketing Society,
Uthangarai & Post,
Krishnagiri District. ... Petitioner

Vs.

1.The Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission,
No.273, Kamadhenu Supermarket,
Chennai - 600 018.

2.The District Election Officer and
Deputy Registrar of
Co-operative Societies (Non-Credit),
Chennai.

3.The Election Officer,
X-401, Tamil Nadu Co-operative
Marketing Federation,
St.Marys Road,
Teynampet,
Chennai - 600 018.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS, directing the respondents to include the D.D-9 Uthangarai Agricultural Producers Co-operative Marketing Society, Uthangarai & Post, Krishnagiri District in the eligible members list for holding the elections to the Board of Directors of X-401, Tamil Nadu Co-operative marketing Federation and then to proceed with the election process.

For petitioner : Mr.S.Kamadevan

For R1 : Mr.M.S.Palaniswamy

For R2 & R3 : Mr.L.P.Shanmugasundaram,
Additional Government Pleader

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O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the respondents to include the D.D-9 Uthangarai Agricultural Producers Co-operative Marketing Society, Uthangarai & Post, Krishnagiri District in the eligible members list for holding the elections to the Board of Directors of X-401, Tamil Nadu Co-operative marketing Federation and then to proceed with the election process.

2.By consent of both the parties the writ petition is taken up for final disposal at the admission stage itself.

3.According to the learned counsel for the petitioner, the petitioner made his representation on 22.02.2019 to the first respondent is still pending and no order has been passed.

4.The learned counsel for the petitioner alleging that the second respondent deliberately omitted to include the names of 19 eligible members as against 113 members. So far, the representation submitted by the petitioner on 22.02.2019 has not been considered by the first respondent. Hence, the present writ petition is filed before this Court.

5.The learned counsel appearing for the first respondent would submit that the said representation is to be considered in accordance with law.

6.By considering the said representation made by the petitioner, without expressing any opinion on merits, this Court is inclined to direct the first respondent to consider the petitioner's representation dated 22.02.2019, on merits and in accordance with law, as expeditiously as possible, not later than on or before 01.03.2019, after providing opportunities to all the parties concerned.

7. Accordingly, the writ petition is disposed of with the above direction. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission,
No.273, Kamadhenu Supermarket,
Chennai - 600 018.
2. The District Election Officer and
Deputy Registrar of
Co-operative Societies (Non-Credit),
Chennai.
3. The Election Officer,
X-401, Tamil Nadu Co-operative
Marketing Federation,
St.Marys Road,
Teynampet,
Chennai - 600 018.

+1 cc to M/s.S.Kamadevan, Advocate, S.R.No.17536

+1 cc to M/s.L.P.Shanmugasundaram, Advocate, S.R.No.17773

सत्यमेव जयते

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and

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CP(CO)
SSM(26/02/2019).

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