

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2019

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THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5869 of 2019
and W.M.P.Nos.6709 & 6711 of 2019

P.Marappan

.. Petitioner

Vs.

1. The State Election Commissioner,
Co-operative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Teynampet, Anna Salai,
Chennai-600 018.
2. The Managing Director,
Tamil Nadu State Weavers Co-operative
Society Ltd., Co-optex, Pantheon Road,
Egmore, Chennai-600 008.
3. The Assistant Director of Handlooms,
O/o.Director of Handloom and Textiles,
Kuralagam, Chennai.
4. The Chennai District Election Officer/
Assistant Director of Handloom and Textiles,
Tiruvallur.

.. Respondents

* * *

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the third respondent in her proceedings No.Nil, dated 08.02.2019, and quash the same and consequently directing the respondents to include the petitioner's name along with petitioner society name in the voters list for conducting Board of Directors election for Ex-84, Tamil Nadu Handloom Weavers Co-operative Society Ltd., (Co-optex).

* * *

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.M.S.Palanisamy for R1
Mr.L.P.Shanmugasundaram,
Special Government Pleader for RR2 - 4

O R D E R

The writ petitioner is before this Court laying challenge to the order dated 08.02.2019 and consequently seeking a direction to the respondents to include his name along with the society's name in the voters list for conducting Board of Directors election for Ex-84, Tamil Nadu Handloom Weavers Co-operative Society Ltd. (Co-optex).

2. Pursuant to the order of this Court dated 25.01.2019, the representation given by the petitioner dated 20.01.2019 to include the petitioner's name along with the society's name in the voters list for conducting election to elect the Board of Directors for Ex-84, Tamil Nadu Handloom Weavers Co-operative Society Ltd., (Co-optex), was considered and the order impugned herein was passed on 08.02.2019 by the second respondent.

3. The impugned order states that after the issuance of the election notification, the last date for submitting objection for inclusion or rejection of the names of the members was fixed at 5.00 p.m. on 18.01.2019 and the final voters list was scheduled to be published by the Election Officer at 5.00 p.m. on 19.01.2019 and till such time, no representation was received from the petitioner. Admittedly, the representation has been submitted by the petitioner only on 20.01.2019. Therefore, the third respondent had rejected his application.

4. The impugned order also states that though the petitioner claims to be the President of the EH-48, Kangayam Cotton cum Silk Handloom Weavers Co-operative Production and Sale Society, since the said Society has not been carrying out any transaction for the last two years, neither the name of the Society nor the name of the petitioner is found in the members list/voters' list.

5. Heard the learned counsels on either side and perused the materials available on record.

6. When the matter was taken up for hearing, on instructions, learned counsel for the respondents 2 to 4 submitted that the election scheduled to be conducted today was already over, as the posts of President and Vice-President have been elected unopposed and the elected members had also assumed the office.

7. In view of the said submission, this Court is of the view that nothing further survives in this writ petition for adjudication and the prayer sought for by the petitioner has become infructuous.

8. Accordingly, this writ petition is dismissed as infructuous with no costs. However, it is open to the petitioner to challenge the election results, if he is so advised, in the manner known to law. Consequently, W.M.P.Nos.6709 and 6711 are closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

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To

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4. The Chennai District Election Officer/
Assistant Director of Handloom and Textiles,
Tiruvallur.

+1 CC to Govt. Pleader sr21512.
+1 CC to Mr.C.PRakasam, Advocate sr 21285.
+1 CC to Mr.L.P.Shanmugasundaram, Advocate sr 21160

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W.P.No.5869 of 2019

KAN(CO)
SP(19/03/2019)