

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.03.2019
CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6268 of 2019
and WMP.7104 of 2019

S.Veeramani

..Petitioner

Vs

1. The Registrar
Tamil Nadu State Apex Cooperative Bank Ltd.,
No.42/87 Big Street

2. The Commissioner
Tamil Nadu State Cooperative Societies
Election Commission
No.273, Anna Salai, Teynampet
Chennai-600 018

..Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to consider the Petitioner's representation dated 22.02.2019 and pass appropriate orders.

For Petitioner : Mr.V.G.Guhan Murugan

For Respondents: Mr.L.P.Shanmuga Sundaram, Spl.G.P.

ORDER

By consent of both sides, this Writ Petition is taken up for final disposal.

2 Writ Petition is filed seeking to direct the respondents to consider the Petitioner's representation dated 22.02.2019 and pass appropriate orders.

3. The case of the Petitioner is that the respondents violated the well settled procedures of election and therefore, statutory and legal rights to conduct the free and fair election is infringed.

4. The learned Special Government Pleader appearing for the respondents submits that the Petitioner has to approach Triplicane Urban Cooperative Society and further any dispute regarding the conduct and manner of election, remedy lies under Section 90 of the Tamil Nadu Cooperative Societies Act.

5. In this regard, it is useful to refer the judgment of this court in the case of K.J.Chcrian Vs. The State of Tamil Nadu, Represented by its Secretary to the Government, Cooperation, Food, Consumer Protection (CJ1) Department, Fort St.Geroge, Chennai-600 009 and 6 others [W.P.No.12915 of 2013 dated 12.09.2017], wherein this court, after elaborately discussing the various judgments of Supreme Court and High Courts, held that the aggrieved party has to avail the remedy by way of election petition before the authority constituted under the Statute and therefore, Writ Petition is not maintainable. This court further held that there is an efficacious alternative remedy available to the petitioner to file an election petition before the appropriate authority under the Act.

6. In the light of the above decision of this court, the petitioner can agitate before the appropriate forum, as stipulated under Section 90 of the Tamil Nadu Cooperative Societies Act for redressal of his grievance.

7. With the above observation, the Writ Petition is dismissed as not maintainable. No costs. Consequently, connected WMP is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Registrar
Tamil Nadu State Apex Cooperative Bank Ltd.,
No.42/87 Big Street
2. The Commissioner
Tamil Nadu State Cooperative Societies
Election Commission, No.273, Anna Salai, Teynampet
Chennai-600 018

+1cc to Mr.V.G.Guhan Murugan, Advocate, S.R.No.20197
+1cc to Mr.L.P.Shanmuga Sundaram,, Advocate, S.R.No.20282
+1cc to the Government Pleader, S.R.No.20989

WP.6268 of 2019

PPA(CO)
CS/01/07/2019