

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.7120 of 2019 &
W.M.P.Nos.7846 to 7848 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 Ltd.,
Thiruvarur District.

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Certiorarified Mandamus to call for the records connected with the proceedings issued in Na.Ka.No.722/2019/Ku. The.2, dated 01.03.2019 passed by the first respondent 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 : Mr.S.Ilamvaludhi

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

Mr.Bala Ramesh
Additional Government Pleader for R2

O R D E R

Mr.S.Palaniswamy, learned Standing Counsel takes notice for the first respondent; Mr.Bala Ramesh, learned Additional Government Pleader takes notice for the second respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The prayer in the Writ Petition is for issuance of Writ of Certiorarified Mandamus to call for the records of the proceedings of the first respondent dated 01.03.2019 and quash the same and for consequential direction to 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.

3. According to the petitioner, the respondents have not followed the procedures as contemplated under the provisions of the Tamil Nadu Co-operative Societies Act, to conduct the election for the second respondent-Society. The petitioner has raised various grounds before this Court, especially, the main ground raised by the petitioner is that without deleting the dead person names in the voters list, the Election Officer conducted the election arbitrarily and results have been declared and hence, the election is liable to be set aside.

4. The learned Standing Counsel for the first respondent would submit that as against the order passed by the first respondent / the Commissioner, Tamil Nadu State Co-operative Societies Election Commission, the petitioner has to file an appeal before the Appellate Authority under Section 90 of the Tamil Nadu Co-operative Societies Act. Without exhausting such remedy, filing of Writ Petition before this Court is not maintainable and hence, prays for dismissal of the Writ Petition.

5. In view of the above, this Writ Petition is disposed of with liberty to the petitioner to file an appeal before the Appellate Authority under Section 90 of the Tamil Nadu Co-operative Societies Act, within a period of two weeks from the date of receipt of a copy of this order. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

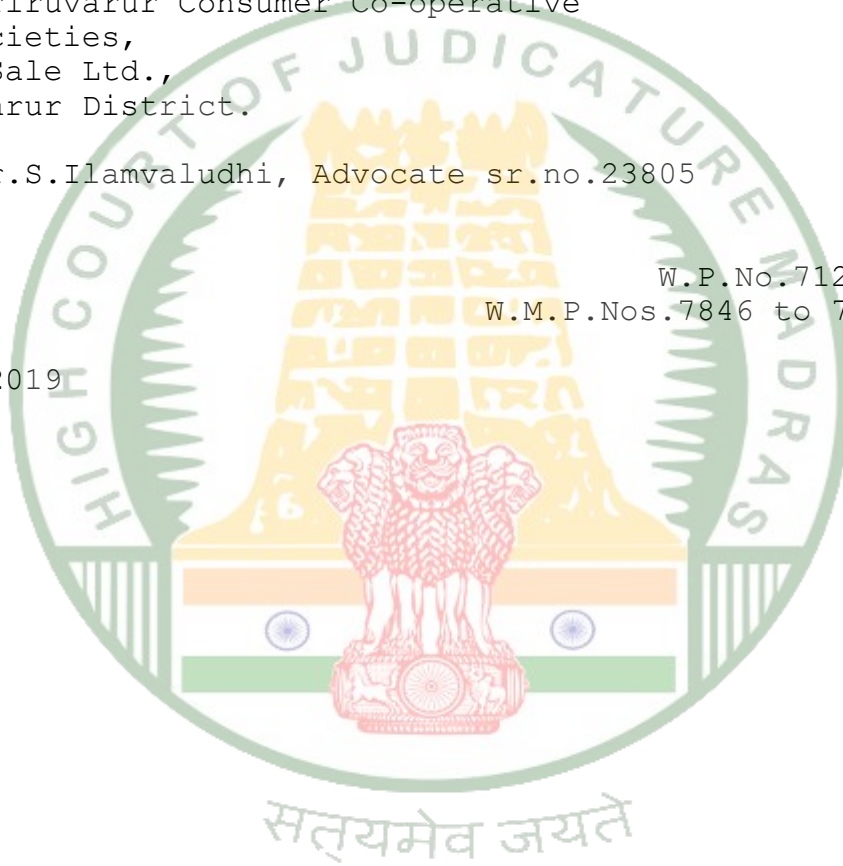
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+1cc to Mr.S.Ilamvaludhi, Advocate sr.no.23805

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nr 15/03/2019



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