

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.8031 of 2019 &
W.M.P.Nos.8565, 8633 & 8635 of 2019

1.M.Neelakandan
2.A.Kumaravel

... Petitioners

Vs.

- 1 The Election Officer,
Tiruvannamalai VT.742 District Consumer
Cooperative Wholesale Store Ltd,
Tiruvannamalai.
- 2 The Election Officer,
Cooperative Society,
Tiruvannamalai.
- 3 The Registrar,
Tamilnadu Cooperative Societies,
179, EVR Periyar High Road,
Poonamalle High Road,
Kilpauk, Chennai-10.
- 4 The Tamil Nadu State Cooperation Societies
Election Commission,
Chennai-18.
- 5 P.Diwkar
- 6 G.Govindan
- 7 R.Satheeshkumar
- 8 K.Susikumar
- 9 R.Brindha
- 10 G.Krithika
- 11 S.Manjula
- 12 S.Maithili
- 13 N.Rani
- 14 G.Sumathi
- 15 E.N.Narayanan
- 16 V.Pavankumar
- 17 S.Shanmugam
- 18 T.Thirumeni
- 19 K.Ushanathan

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20 R.Jayaprakash
21 C.Murugan
22 V.Sivakumar
23 G.V.Gajendran

... 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 of the 1st respondent pertaining to the Elections conducted by the 1st respondent and quash the results published by the 1st respondent on 02.03.2019, subsequently on 06.03.2019 for the post of President and Vice president and quash the same and direct the Election Officer to conduct a fresh election for the above post on any day after complying all the formalities in accordance with law.

For Petitioners : Mr.G.Veerapathiran

For Respondents : Mr.L.P.Shanmugasundaram
Special Government Pleader
for R1 to R3

Mr.M.S.Palaniswamy
Standing Counsel for R4

O R D E R

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents 1 to 3; Mr.M.S.Palaniswamy, learned Standing Counsel takes notice for the fourth respondent. By consent, this Writ Petition is taken up for final disposal.

2. In this Writ Petition, the petitioner challenges the publication of the results dated 02.03.2019 for the first respondent-Co-operative Store and for the election conducted for the post of President and Vice President on 06.03.2019.

3. According to the petitioner, some of the candidates were not allowed to cast their vote during the election and the respondents supported a particular group in the election. Therefore, the entire election is void and violates the procedures as contemplated in the Act and Rules.

4. The learned Special Government Pleader and the learned Standing Counsel appearing for the respondents submitted that the results for the election were declared on 06.03.2019 and after declaration of the results, the petitioner has approached this Court, by filing this Writ Petition. It is further submitted that if the petitioners have any grievance for the

conduct of the election for the first respondent-Store, the petitioner can very well approach the Appellate Authority, by filing an appeal 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. The main grievance of the petitioner is that some of the candidates were not allowed to cast their votes in the election, and hence, the election is void. A similar issue was considered by this Court in W.P.No.12915 of 2013, dated 12.09.2017, [K.J.Churian vs. The State of Tamil Nadu & others], wherein, this Court considering the entire case elaborately, gave liberty to the petitioner therein to file Election Petition before the Authority concerned.

6. In view of the above facts as well as the decision cited supra, the petitioner is directed to file an election petition before the Authority under Section 90 of the Tamil Nadu Co-operative Societies Act, within a period of one week from the date of receipt of a copy of this order. If such election petition is filed, the Authority concerned shall take on file (if it is in order), within a period of two weeks, thereafter consider and pass final orders as expeditiously as possible.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

r n s

To

- 1 The Election Officer,
Tiruvannamalai VT.742 District Consumer
Cooperative Wholesale Store Ltd,
Tiruvannamalai.
- 2 The Election Officer,
Cooperative Society,
Tiruvannamalai.

3 The Registrar,
Tamilnadu Cooperative Societies,
179, EVR Periyar High Road,
Poonamalle High Road,
Kilpauk, Chennai-10.

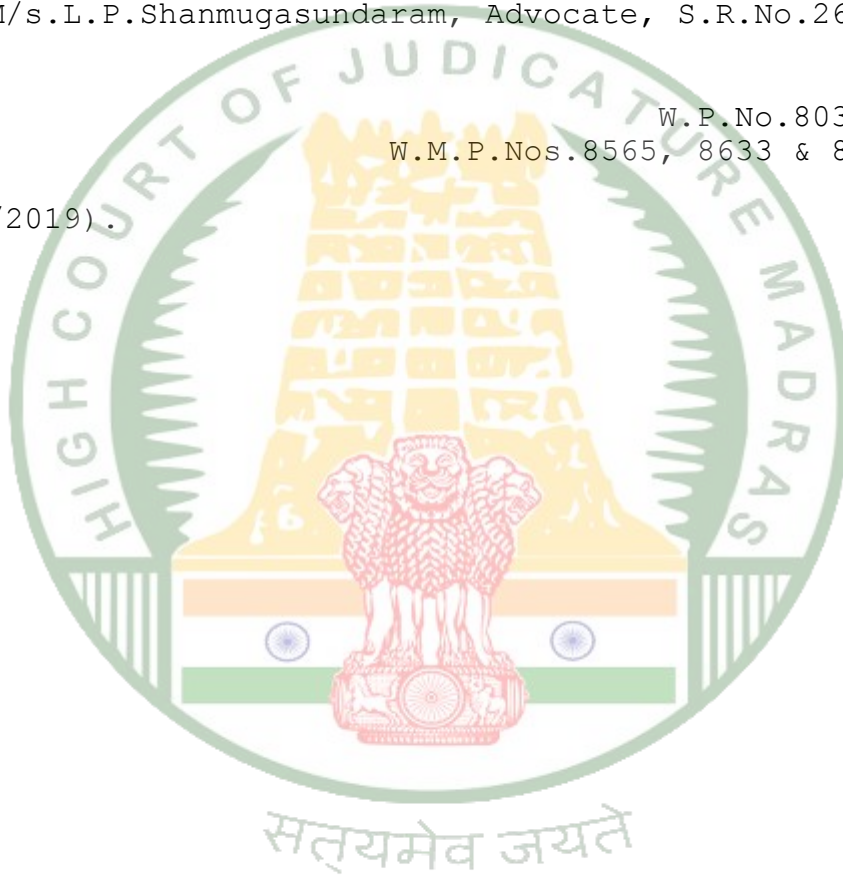
4 The Tamil Nadu State Cooperation Societies
Election Commission,
Chennai-18.

+1 cc to M/s.G.Veerapathiran, Advocate, S.R.No.26100

+1 cc to M/s.L.P.Shanmugasundaram, Advocate, S.R.No.26164

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KAN(CO)
SSM(21/03/2019).



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