

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.12587 of 2019

and

WMP.No.12835 of 2019

N.Palanidurai

.. Petitioner

vs

1. The Commissioner,
State Co-operative Election Commission,
273, Kamadhenu Supermarket First Floor,
Anna Salai,
Chennai-600 018.

2. The Co-operative Joint Registrar-cum,
District Election Joint Officer,
Thiruvavur.

3. The Returning Officer,
Idumpavanam Primary Agricultural,
Thrift Society Ltd.
Idumpavanam, Thiruthuraiipoondi (Taluk)
Thiruvavur District.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to conduct election of the third respondent Co-operative society after publishing the dates of the election schedule subsequent to the scrutiny held on 09.02.2019.

For Petitioner : Mr.R.Sakthivel

For Respondents : Mr.M.S.Palanisamy for R1
Mr.L.P.Shanmugasundaram
Additional Government Pleader
for R2 and R3

O R D E R

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents to conduct election of the third respondent Co-operative society after publishing the dates of the election schedule subsequent to the scrutiny held on 09.02.2019.

2. According to the petitioner, he is the member of the 3rd respondent Co-operative society and when the 3rd respondent / Co-operative Society announced Election to the Board of the Directors of the Society, the petitioner filed nomination on 30.04.2018. Thereafter, scrutiny of the same was not conducted properly on 02.05.2018 by the 3rd respondent. Subsequently, the petitioner and others have preferred a representation to the 1st respondent with the respect to the conduct of Returning Officer and State Co-operative Election Commission and number of Writ petitions have been filed before this Court challenging the same. In continuance, this Court, by an order dated 03.08.2018 constituted the Committee consisting of retired Judges of this Court to scrutinise all the cases wherever there are disputes relating to nomination papers and declaration without conducting election etc., Accordingly, the Committee found malpractices and issued a direction to conduct fresh election in the manner to law, however, the election has not been conducted, against which the present writ petition is filed.

3. The learned counsel appearing for the petitioner pleaded that a direction may be issued respondents to conduct election of the third respondent Co-operative society within a stipulated period of time to be directed by this Court.

4. The learned Additional Government Pleader appearing for the respondents 2 and 3 submitted that as per the Direction of Committee, the election proceedings were published in Na.Ka.521/2019/ku.tha2(8) dated 25.02.2019 and the nominations were received on 01.03.2019 and the election date was fixed on 07.03.2019 and 11.03.2019 and Election was completed as per direction of this Court. He would also submit that the petitioner has also participated in the election and he lost the same.

5. Heard both sides and perused the documents placed on record.

6. Considering the facts and circumstances of the case and taking note of the submission of learned Additional Government Pleader appearing on behalf of the respondents 2 and 3 that the election proceedings were published in Na.Ka.521/2019/ku.tha2(8) dated 25.02.2019, the nominations were received on 01.03.2019,

the election date was fixed on 07.03.2019 and 11.03.2019 and the petitioner also participated in the election and subsequently, he lost the same, nothing survives for further adjudication. Further, if the petitioner is aggrieved by the election, the only remedy available to him is to approach the Election Tribunal and not this Court.

In view of the above, the prayer in the Writ Petition cannot be entertained and the same is dismissed. However, liberty is granted to the petitioner to workout the remedy in the manner known to law. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

tta/ssd

To

1. The Commissioner,
State Co-operative Election Commission,
273, Kamadhenu Supermarket First Floor,
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2. The Co-operative Joint Registrar-cum,
District Election Joint Officer,
Thiruvavur.
3. The Returning Officer,
Idumpavanam Primary Agricultural,
Thrift Society Ltd.
Idumpavanam, Thiruthuraiipoondi (Taluk)
Thiruvavur District.

+lcc to Mr.K.Sakthivel, Advocate in sr.no.46366

+lcc to The Government Pleader, in sr.no.46948

W.P.No.12587 of 2019

RGN(CO)
CS/30/07/2019