

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.04.2019

CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.9747 of 2019 &
W.M.P.Nos.10339 & 10340 of 2019

K.Suresh

... Petitioner

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 of Co-operative Societies,
Kasikara Chetty Street,
Mannarkudi, Thiruvarur District.
- 3.The Joint Registrar of Co-operative Societies,
Thiruvarur Region,
Office of the Joint Registrar,
Thiruvarur District.
- 4.The Election Officer,
Z.C.69, Thiruthangor Primary Agricultural
Co-operative Society Ltd.,
Thiruvarur District.
- 5.The Secretary,
Z.C.69, Thiruthangor Primary Agricultural
Co-operative Society Ltd.,
Thiruvarur District.
- 6.S.Ashokan
- 7.B.Balamurugan
- 8.R.Baskaran
- 9.D.Singaravelan
- 10.G.Sivagnanam
- 11.V.Vijayapal
- 12.R.Chandra
- 13.V.Savithri
- 14.S.Usharani
- 15.C.Murugaiyan
- 16.P.Tamilmaran

... 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 Election Officer Notice (Declaration) dated 25.03.2019 (affixed in the Notice Board on 27.03.2019) passed by the fourth respondent and quash the same and consequently direct the first respondent to conduct re-election for Z.C.69 Thiruthangur Primary Agricultural Co-operative Society.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents: Mr.S.Palaniswamy
Standing Counsel for R-1

Mr.M.Karthikeyan
Additional Government Pleader
for R2 & R3

O R D E R

Mr.S.Palaniswamy, learned Standing Counsel takes notice for the first respondent; Mr.M.Karthikeyan, learned Additional Government Pleader takes notice for the respondents 2 and 3. By consent, this Writ Petition is taken up for final disposal.

2. In this Writ Petition, the petitioner challenges the impugned Notice (declaration) dated 25.03.2019, declaring the results of 11 candidates in the fifth respondent-Society.

3. According to the learned counsel for the petitioner, the petitioner and one Mr.Baskaran made representations on 27.03.2019 to the respondents, alleging that the election is not conducted in a fair and proper manner. The learned counsel for the petitioner further submitted that similar complaints have been preferred by some of the persons and the said complaints are also now pending before the first respondent-Commissioner.

4. The learned Standing Counsel and the learned Additional Government Pleader appearing for the respondents submitted that the present Writ Petition is not maintainable under Article 226 of the Constitution of India and the petitioner is having an alternative remedy to file an appeal before the Deputy Registrar under Section 90 of the Tamil Nadu Co-operative Societies Act. It is further submitted that the elected candidates were taken charge and therefore, the Writ Petition is liable to be dismissed.

5. In view of the above submissions and in the light of the judgment in CDJ 2017 MHC 6757 [K.J.Chcrian Vs. The State of Tamil Nadu, Rep. by its Secretary to Government, Cooperation, Food Consumer Protection (CJI) Department, Chennai and others, the Writ Petition is not maintainable and the petitioner is

directed to make a copy of the said representation dated 27.03.2019 to the first respondent, within a period of two days from today. If such representation is made, the first respondent-Commissioner is directed to consider the same and take appropriate action in accordance with law.

6. With the above direction, the 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 Commissioner,
Tamil Nadu State Co-operative Societies
Election Commission,
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Thiruvavur District.
- 5.The Secretary,
Z.C.69, Thiruthangor Primary Agricultural
Co-operative Society Ltd.,
Thiruvavur District.

+1cc to S.Ilamvaludhi, Advocate, S.R.No.31331

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PMS (CO)
RRS (02/04/2019)