

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.06.2019

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THE HONOURABLE Mr.JUSTICE **M.DHANDAPANI**

W.P.No.15209 of 2019 and
W.M.P.Nos.15179 and 15180 of 2019

P.Viswalingasamy .. Petitioner

Vs

1. The Secretary,
West Zone Committee,
Co-operative Elections,
Coimbatore

2. The State Election Commissioner,
Cooperative Election,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Teynampet, Anna Salai,
Chennai – 18

3. The District Election Officer,
Deputy Registrar of Cooperative Societies,
Tiruppur Circle, Tiruppur, Tiruppur District

4. The Election Officer,
K.2040, Manickapuram Pudur Primary Agricultural
Cooperative Credit Society,
Manickapuram Pudur, Manur Post,
Vijayapuram Viz,
Tiruppur District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the West Zone

Committee, Coimbatore in Petition No.93 of 2018 dated 05.01.2019 and consequential election notification dated 31.05.2019 issued by the 3rd respondent and quash the same and consequently, direct the respondents 2 to 4 to conduct election for 11 Board of Directors for the K.2040, Manickapuram Pudur Primary Agricultural Co-operative Credit Society, Manickapuram Pudur, Manur Post, Vijayapuram via., Thiruppur District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.Balaramesh
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the 1st respondent / West Zone Committee, Coimbatore in Petition No.93 of 2018 dated 05.01.2019 and consequential election notification dated 31.05.2019 issued by the 3rd respondent and quash the same and consequently, direct the respondents 2 to 4 to conduct election for 11 Board of Directors for the 4th respondent society / K.2040, Manickapuram Pudur Primary Agricultural Co-operative Credit Society, Manickapuram Pudur, Manur Post, Vijayapuram via., Thiruppur District.

2. According to the petitioner, he is a member of the 4th

respondent-Society and he participated in the election process fixed on 02.05.2018, in which 46 candidates have filed their nominations. However, the Election Officer, 4th respondent has rejected 35 nominations without assigning any reason and cleared only 11 candidates as Board of Directors. Being aggrieved against the action of the Election officer / 4th respondent, the petitioner made a representation before the 2nd respondent on 03.05.2018 for cancelling the election and to conduct reelection in the said society. Thereafter, the petitioner filed W.P.No.12851 of 2018 praying to issue a direction to dispose of the said representation dated 03.05.2018. In continuance, this Court on 18.09.2018 directed the petitioner to approach the 1st respondent / Committee. The petitioner had approached the Committee and the said Committee passed orders on 05.01.2019 directing the respondents 3 and 4 therein to conduct fresh election for general category for the post of six Board of Directors for the 4th respondent-Society by including the petitioner's nomination. The 4th Respondent had committed many irregularities by conducting election, viz., by electing 11 Board of Directors, but the Committee ordered for electing 6 Board of Directors in General Category and allowed the women category and SC and ST Category, who were elected by the 4th respondent without conducting election. Further, the committee ought to have passed orders to direct the respondents 2 and 3 to conduct election for all the 11 Board of

Directors, but they ordered for conducting general category 6 Board of Directors alone. Being aggrieved by the same the present Writ Petition is filed.

3. Heard the learned counsel on either side and perused the documents available on record.

4. The learned counsel for the petitioner would submit that the Committee had admitted that the then Election Officer had not properly conducted the 11 Board of Directors election. Further, he contended that when 46 nominations were filed, election officer had rejected 35 candidates' nominations and declared 11 candidates as a genuine one, but the 1st Respondent/ committee without considering the irregularities, had ordered for only 6 board of directors election, which is an unsustainable one.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the Respondents and perused the materials available on record

6. Admittedly, once the committee had considered the matter on merits and issued a direction to election officer to process six Board

of Directors, this Court cannot interfere with the above election process. If the petitioner is aggrieved, he can very well challenge the same before the Election Tribunal and not before this Court.

7. In view of the fact that the election process has already commenced, this Court cannot interfere with the said process and hence this Writ Petition is liable to be dismissed and the same is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

06.06.2019

Index:Yes/No
Internet:Yes/No
Speaking /Non speaking Judgment

ssd

To

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M.DHANDAPANI, J.,

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