

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.22657 of 2019

and

W.M.P.No.22134 of 2019

T.Subramanian

... Petitioner

/versus/

1.The Secretary,
West Zone Committee,
Cooperative Elections, Coimbatore.

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

3.The District Election Officer/
Deputy Registrar of Coop-.Societies,
Erode Circle, Erode, Erode District.

4.The Election Officer/Senior Inspector(Audit),
AA 713, Kodumudi Primary Agricultural
Cooperative Credit Society,
Kodumudi 638 151, Erode District.

5.The Joint Registrar of Cooperative Societies,
Erode Region, Erode, Erode District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 5th respondent in his proceedings Na.Ka.4272/2019/Sa.Pa, dated 11.07.2019 and quash the same.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.M.S.Palanichamy, st.c.
For R2
Mr.L.P.Shanmugasundaram
Spl.G.P.for R1,3,4,5

O R D E R

By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.M.S.Palanichamy, learned standing counsel, who takes notice on behalf of the 2nd respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who takes notice on behalf of respondents 1,3,4 and 5.

3. The prayer in the writ petition is to issue a Writ of Certiorari calling for the entire records relating to the impugned order passed by the 5th respondent in his proceedings Na.Ka.4272/2019/Sa.Pa, dated 11.07.2019 and quash the same.

4. The impugned order dated 11.07.2019 is only a show cause notice calling explanation from the petitioner as per Section 36 (1) of the Tamil Nadu Co-operative Societies Act, 1983. The contention of the learned counsel appearing for the petitioner is that the impugned order has been issued with malafide intention to prevent him from conducting election. The alleged incident took place in the year 2016 and belated show cause notice indicates the malafide intention.

5.Learned Special Government Pleader appearing for the respondents would submit that as soon as the misappropriation come to light, the show cause notice has been issued to the petitioner in accordance with law and there is no malafide intention.

6.This Court is fully in agreement with the submissions made by the learned Special Government Pleader appearing for the respondents. This Court cannot exercise the writ jurisdiction in

the matter of show cause notice unless and until it bristles with malafide intention on the face of it. Sofar as the impugned order is concerned, this Court finds no such malafide or irregularity. Hence, this Writ Petition is dismissed at the admission stage itself. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
West Zone Committee,
Cooperative Elections, Coimbatore.

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5.The Joint Registrar of Cooperative Societies,
Erode Region, Erode, Erode District.

+1cc to Mr.C.Prakasam, Advocate Sr.66446
+1cc to M/s.L.P.Shanmugasundaram, Advocate Sr.66183
+1cc to the Special Government Pleader Sr.66304

W.P.No.22657 of 2019

vsn II[co]
srg 10/09/2019