

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.08.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.23205 of 2019

P.Poopalan

... Petitioner

/versus/

1.The Commissioner,
Tamil Nadu State Co-operative Election Commission,
No.273, Kamadhenu Supermarket,
Anna Salai, Chennai.

2.The Director,
Khadi & Village Industries Board,
Chennai.

3.The Tamil Nadu Palm Products Development Board,
Rep.by its Chief Executive Officer,
Egmore, Chennai.

4.The Joint Registrar of Co-operative Societies,
Krishnagiri.

5.The Assistant Director of Khadi & Village Industries,
Salem.

6.The Election Officer,
S-966 Thiruvananthapuram Jagrith Manufacturing Co-operative
Society,
Thiruvananthapuram, Uthangarai Taluk,
Krishnagiri District.

7.S-966 Thiruvananthapuram Jagrith Manufacturing Co-operative
Society Represented by its Special Officer,
Thiruvananthapuram, Uthangarai Taluk,
Krishnagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to prepare & publish the voter's list of 7th respondent Co-operative Society strictly in accordance with the provisions of Tamil Nadu Co-operative Societies Act 1983 by

deleting the names of ineligible & dead persons and thereafter conduct election to the 7th respondent co-operative Society in accordance with the provisions of Tamil nadu Co-operative Society Act 1983.

For Petitioner :Mr.Swadhi Subramaniam

For Respondents :Mr.M.S.Palanisamy for R1
Mr.Bala Ramesh for R2 to R7
Special Government Pleader

O R D E R

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

2. Heard Mr.Swadhi Subramaniam, learned counsel appearing for the petitioner and Mr.M.S.Palanisamy, learned counsel, who takes notice on behalf of the first respondent and Mr. Bala Ramesh, learned counsel, who takes notice on behalf of respondents 2 to 7.

3. The grievance of the petitioner is that he being a Member of the 7th respondent Society. He has made a representation to the authorities to delete the name of dead persons hailing from other Districts are not eligible to be nominated for the electoral roll. Without considering his request, the respondents proceeded with the election process. Hence, he seeks for Mandamus to direct the respondents to prepare and publish the voters list of the 7th respondent Co-operative Society strictly in accordance with the provisions of Tamil Nadu Co-operative Societies Act, 1983 by deleting the names of ineligible and dead persons and thereafter, proceed with the election process.

4. The learned counsel appearing for the respondents would submit that the electoral roll for electing the Board Members of the 7th respondent Society was finalised long back before notifying the election of the Society, which was scheduled on 07.04.2018. However, due to complaint of malpractice and improper receipt and rejection of nomination from the prospective candidates, a complaint was given and the same was heard by the North Zone Committee nominated by the Division Bench of this Court. The complaint given by one Palanisamy was taken up for enquiry and after considering the allegations made in the complaint and hearing the concerned parties, the Zonal Committee has set aside the election conducted for the 7th respondent Society and directed the Election Commission to

depute another Election Officer to conduct the election in a fair and in accordance with Co-operative Society Rules. The order of the Zonal Committee was passed on 11.12.2018.

5. Now, the petitioner, who claims to be one of the Members of the Society, has given a representation on 28.02.2019 to (1) the Chief Executive Officer, Khadircraft, Thiruvananthi, Krishnagiri District; (2) The District Collector, Krishnagiri and (3) The State Election Commission. The averments made in his representation is that the ineligible and dead persons are included in the electoral roll.

6. Though the learned counsel appearing for the petitioner would submit that the list of ineligible candidates was also annexed along with the complaint, this Court could not find such list along with the complaint copy, which is furnished in the typed set of papers at page No.6. Even otherwise the request of the petitioner cannot be entertained because the electoral roll was finalized before the notification of the election and schedule of election date, which was originally fixed on 07.04.2018. The petitioner herein has not brought to the notice of the authorities about the inclusion of ineligible and dead persons before finalisation of electoral roll. If any dead persons name finds place in the electoral roll, that can be taken note by the Election Agent of the respective candidates at the time of polling. Therefore, this Court finds no merits in entertaining the writ petition. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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Society,
Thiruvananthapuram, Uthangarai Taluk,
Krishnagiri District.

7.S-966 Thiruvanapatti Jaggry Manufacturing Co-operative
Society Represented by its Special Officer,
Thiruvananthapuram, Uthangarai Taluk,
Krishnagiri District.

+1cc to Mr.R.Prem Narayan, Advocate Sr.67768

+1cc to the Government Pleader Sr.68463

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nr[co]
srg 19/09/2019

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