

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.2992 of 2019
and
W.M.P.No.19330 of 2019

B.Lenin,
S/o.N.M.Bhoj Kumar,
No.2/290, Nedugula Village & Post,
Kotagiri (Taluk), The Nilgiris (District).... Appellant

Vs

1.The Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission,
Chennai 600 018.

2.The District Election Officer
(Co-operative Societies)
The Nilgiris (District)

3.The Election Officer,
J-3169, Jedayalinga Primary Agricultural
Cooperative Credit Society,
Nedugula, The Nilgiris District.

4.The Secretary,
Hon'ble Enquiry Committee for
Co-operative Elections (West Zone)
Coimbatore.

5.K.K.Madhan,
S/o.Late Kulla Gouder
Karukkathi Village,
Nedugula Village & Post,
Kotagiri (Taluk), The Nilgiris (District)

6.R.Krishnan,
S/o.Raman,
Karukkathi Village,
Nedugula Village & Post,
Kotagiri (Taluk), The Nilgiris (District)

7.A.Kakki, S/o.Late.Ahdi,
Nedugula Village & Post,
Kotagiri (Taluk), The Nilgiris (District)

8.A.Kavi,
S/o.Bahunni Bellan,
Nedugula Village & Post,
Kotagiri (Taluk), The Nilgiris (District)

9.M.Krishnan,
S/o.Madhan,
Nedugula Village & Post,
Kotagiri (Taluk), The Nilgiris (District)

10.M.N.Raman,
S/o.Nanja Gouder,
Sundatti Village,
Kotagiri (Taluk), The Nilgiris (District) ... Respondents

PRAYER : Appeal against the order dated 03.07.2019 made in
W.P.No.3740 of 2019.

filed under Article 226 of the Constitution of India to issue a
Writ of Certiorarified Mandamus, to call for the records of the
4th respondent relating to the impugned order in Case No
190/2018 dated 4-1-2019 and quash the same and consequently
direct the respondents 1 to 3 herein to conduct the election
afresh as per Rule 53 11(c) of the Tamil nadu Co operative
societies rules 1988.

For Appellant :Mr.V.Manoharan

For Respondents :M.S.Palanisamy (for R1)
Standing counsel
Mr.Bala Ramesh (for R2 & R3)
Special Government Pleader (Co-op)

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been filed against the dismissal of
W.P.No.3740 of 2019 which was filed challenging the order passed
by the committee by which a direction has been given by the
committee to conduct election for six seats under the general
category alone.

2.Heard the parties.

3.The learned counsel appearing for the appellant would

submit that the committee should have set aside the entire election for the society, instead of that, it has directed to conduct election for general category alone, which is contrary to the Rules.

4.It is represented by the appellant that he has filed nomination under general category which was wrongly rejected. Therefore, he filed Writ Petition before this Court.

5.Pursuant to the general direction issued by the Division bench of this Court, a committee was constituted headed by retired Justice Mr.S.Rajeswaran to look into the complaints regarding malpractices. The committee by order dated 04.01.2019, found merit in the complaint of the appellant and set aside the election of six members elected under general category of the 3rd respondent society.

6.Thereafter, the Returning Officer has decided to conduct fresh election accepting the nomination of the appellant alone and proceed further. Finding fault with the direction given by the committee and also the decision of the Returning Officer to conduct the election for six seats in general category, the appellant approached this Court. The learned single Judge has categorically held that the complaint made by the appellant was found to be correct and therefore, set aside the election only with regard to general category and has issued direction to conduct election for six seats under general category. The appellant should be satisfied or convinced, if he is allowed to participate in the election that too under the general category for which he had fought. He cannot ask for setting aside the election for the entire society under all categories. The learned single Judge was right in dismissing the Writ Petition as the appellant is no way aggrieved with regard to not setting aside the election for other categories. Moreover, the relief sought for by the appellant has already been given by the committee and it has also been acted upon by the Returning Officer and therefore, the appeal fails.

7.Accordingly, the Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

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TO

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Tamil Nadu State Co-operative Societies,
Election Commission,
Chennai 600 018.

2.The District Election Officer
(Co-operative Societies)
The Nilgiris (District)

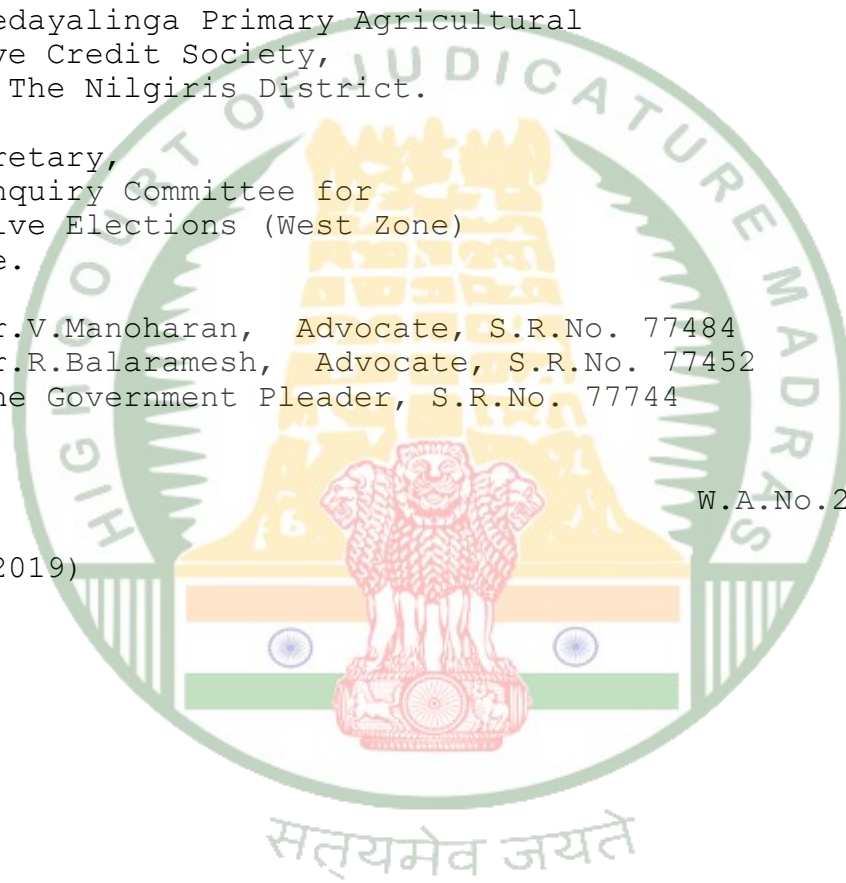
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4.The Secretary,
Hon'ble Enquiry Committee for
Co-operative Elections (West Zone)
Coimbatore.

+1cc to Mr.V.Manoharan, Advocate, S.R.No. 77484
+1cc to Mr.R.Balaramesh, Advocate, S.R.No. 77452
+1cc to the Government Pleader, S.R.No. 77744

W.A.No.2992 of 2019

PPA(CO)
GN(31/10/2019)



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