

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.09.2019
CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WRIT PETITION NO.26947 OF 2019
AND
W.M.P.NOS.26330 AND 26331 OF 2019

S.Nayinamalai

.. Petitioner

/versus/

1. The State Election Commissioner,
Tamil Nadu State Co-operative Societies Election Commission,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subbarayan Nagar,
Teynampet, Chennai 600 018.
 2. The Assistant Director,
Handlooms and Textiles Department,
Kuralagam, Chennai 600 108.
 3. The Secretary,
C.H.28, Chennimalai Jeeva Primary Handloom
Weavers Co-operative Society,
Chennimalai, Perundurai Taluk,
Erode District.
- .. Respondents

Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of order in Na.Ka.No.317/2019/F dated 24.08.2019 passed by the 2nd respondent herein and quash the same and consequently, directing the respondents to remove the members of petitioner's society who have not purchased the minimum required shares to become a member from the membership and voter list.

For Petitioner :Mr.N.Ponraj

For Respondents:Mr.M.S.Palanisamy, st.c for R1
Mr.L.P.Shanmugasundaran,
Spl.G.P. For R2 and R3.

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.N.Ponraj, learned counsel appearing for the petitioner and Mr.M.S.Palanisamy, learned Standing Counsel who takes notice on behalf of the first respondent and Mr.L.P.Shanmugasundaran, learned Special Government Pleader, who takes notice on behalf of respondents 2 and 3. Perused the affidavit.

3.The prayer in the writ petition is to issue a Writ of Certiorarified Mandamus calling for the records of order in Na.Ka.No.317/2019/F dated 24.08.2019 passed by the 2nd respondent herein and quash the same and consequently, directing the respondents to remove the members of petitioner's society who have not purchased the minimum required shares to become a member from the membership and voter list.

4.The case of the petitioner is that he is a member of the third respondent-Society and fully eligible to vote and also to contest in the Society Election. Earlier the election schedule got postponed due to intervention of the Court order and petition filed before the Committee constituted by this Court to look into the irregularities in the election process. While being so, the petitioner herein repeatedly making representation to the respondents to scrutinize the voter list and eliminate the members, who have defaulted to the Society. Though the Assistant Director, Handlooms and Textiles Department/second respondent, vide communication dated 08.11.2018 promised to look into the matter, without considering the representation, he has announced the election schedule on 04.09.2019. According to the petitioner, the electoral role still consists of ineligible members.

5. The learned standing counsel appearing for the first respondent objected the maintainability of the writ petition.

6. The learned Special Government Pleader appearing for respondents 2 and 3 and the learned standing counsel appearing for the first respondent would submit that the present election schedule dated 04.09.2019 is pursuant to the direction of the Committee vide order dated 27.06.2019 wherein the petitioner is one of the party and in the said order, the Committee has specifically directed the Election Commission to conduct the election based on the voters list updated as on 27.03.2018. The said order was passed on 27.06.2019. Pursuant to the order, which mandates the election commission to conduct election within three months, the present notification dated 04.09.2019 has been published.

7. The learned standing counsel appearing for the first respondent/Election Commission would submit that pursuant to the notification issued under Rule 52(6) (a) of the Tamil Nadu Co-

operative Societies Rule, 1988, the election process has commenced. The petitioner has no locus to challenge the same.

8. The learned Special Government Pleader appearing for respondents 2 and 3 would submit that the petitioner being a party to the proceedings before the Committee and being aware of the direction given by the Committee in its order dated 27.06.2019 cannot make any request to update the voters list beyond 27.03.2018. However, the learned Special Government Pleader appearing for respondents 2 and 3 would submit that no nomination from the candidates, who are defaulters to the Society, will be entertained.

9. Recording the same, the writ petition is disposed of as no merits to interfere with the election process. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

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2. The Assistant Director,
Handlooms and Textiles Department, Kuralagam, Chennai 600108.
3. The Secretary,
C.H.28, Chennimalai Jeeva Primary Handloom
Weavers Co-operative Society, Chennimalai,
Perundurai Taluk, Erode District.

+1cc to Mr.L.P.Shanmugasundaran, Advocate, S.R.No.78022
+1cc to Mr.N.Ponraj, Advocate, S.R.No.77789
+1cc to the Special Government Pleader, S.R.No.78412

W.P.No.26947 of 2019 and
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PVS (CO)
CS/10/10/2019