

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.27196 of 2019

and

W.M.P.Nos.26601 and 26602 of 2019

V.Pushparaj

.. Petitioner

/versus/

1.The Tamil Nadu State Co-operative Societies
Election Commission,
No.273, Kamadenu Super Market,
1st Floor, Anna Salai, Chennai 018.

2.The Deputy Registrar of Co-opeartive
Societies/District Election Commissioner,
Ootacamud,
Nilgiris District.

3.The Secretary,
The West Zone,
Co-operative Societies Election Dispute Committee,
Coimbatore.

4.The Election Officer,
Nilgiri District Plantation Workers
Co-operative Thrift and Credit Society,
Coonoor, Nigiri District.

5.The Managing Director,
Nilgiri District Plantation Workers,
Co-operative Thrift and Credit Society,

Coonoor, Nilgiri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 21.12.2018 passed by the 3rd respondent in case No.245 of 2018 and the subsequent impugned News Paper Publication dated 04.09.2019 issued by the 2nd respondent and quash the same and directing the respondents to conduct the Election for the Board of Directors of the 5th respondent Society afresh from the stage of filing nomination.

For Petitioner :Mr.P.Vijayakumar

For Respondents :Mr.M.S.Palaniswamy, st.c
for R1
Mr.D.Venkatachalam,
AGP for R2 to R5

O R D E R

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

2. Heard Mr.P.Vijayakumar, learned counsel appearing for the petitioner and Mr.M.S.Palaniswamy, learned Standing Counsel, who takes notice for the first respondent and Mr.D.Venkatachalam, learned Additional Government Pleader, who takes notice on behalf of respondents 2 to 5.

3. The petitioner herein a Member of the fourth respondent Society, has filed this writ petition seeking Certiorarified Mandamus to call for the records relating to the order passed by the third respondent dated 21.12.2018 and the subsequent paper publication issued on 04.09.2019 by the 2nd respondent regarding the election for the Board of Directors of the 5th respondent and to conduct fresh election from the stage of filing nomination.

4. The brief facts of the case involved in this writ petition is that for the fourth respondent Society, initially election notification was made during the Month of April 2018 and the nomination was called for from the members. After scrutinizing the nomination, the list of valid nomination was published in the notice Board. At that time, some of the contestant, whose nomination was not accepted, raised objection, which was the subject matter of the writ petition and the matter was referred to the Committee constituted by this Court to look into the malpractices alleged during the Co-operative Society Election. The Committee on 21.12.2018 found that 28 candidates were improperly rejected for the post under general category. Consequently, the Election Commission has issued proceedings on 30.08.2019 fixing the polling date as 12.09.2019 between 08.00 a.m and 05.00 p.m. Meanwhile one B.Lenin, a member of the Jedayalinga Primary Agricultural Cooperative Credit Society filed W.P.No.3740 of 2019 claiming that the election should be conducted afresh for all the Board Members and cannot be

restricted to the general category alone. This Court after considering the order passed by the Committee rejected the said prayer.

5. Now, the present writ petition is filed under the premises that the election must be conducted afresh and the petitioner must be permitted to contest in the election. Since on 02.04.2018 when the original election notification was made, he was not able to file his nomination.

6. The scrutiny of the proceedings, particularly, the order of the Committee indicates that the rejection of 24 valid nominations by the Returning Officer found to be erroneous. Polling for six members under the general category by including the valid nomination has been ordered by the Committee. In accordance with the spirit of that order, the Election Commission has proceeded with the notification dated 30.08.2019 fixing 12.09.2019 as the date of polling. Any person, who has not filed their nomination earlier cannot take advantage of the cancellation of the election in respect of electing 6 members. The present process of electing six members is in continuation of the original notification. Hence, fresh election sought for in the writ petition cannot be ordered.

7. It is now reported by the learned Standing Counsel appearing for the first respondent that due to natural calamity, the Election Commissioner, vide his proceedings dated 10.09.2019, has postponed the date of polling and the date will be announced later.

8. In view of the above circumstances, the petitioner to participate in the election by afresh nomination does not arise. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

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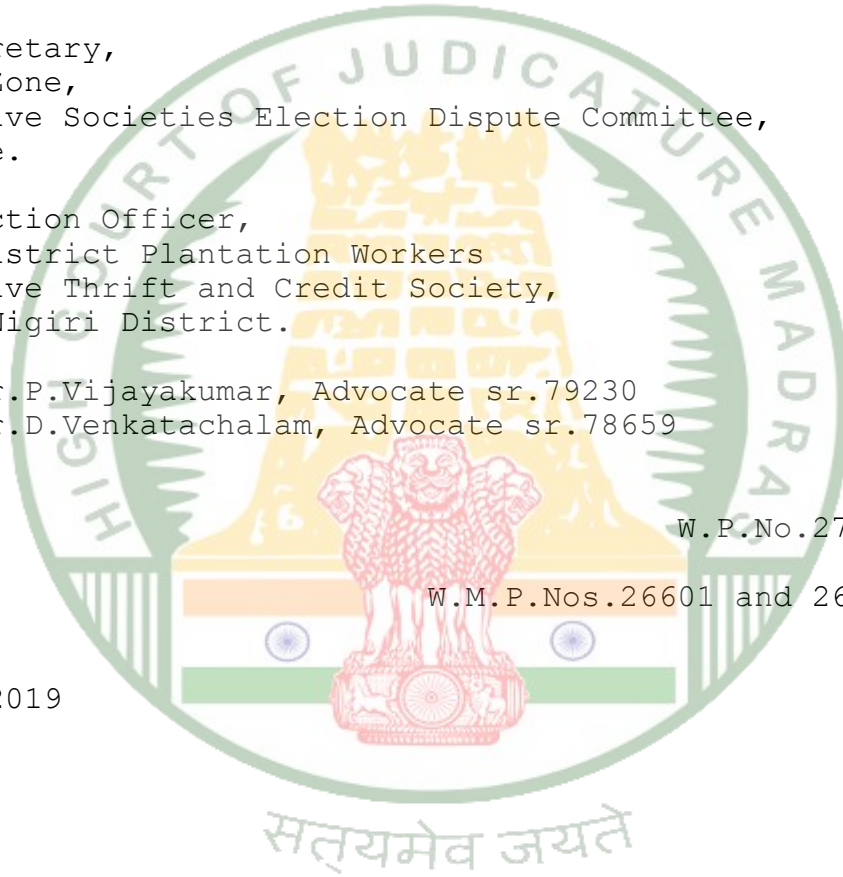
+1cc to Mr.P.Vijayakumar, Advocate sr.79230

+1cc to Mr.D.Venkatachalam, Advocate sr.78659

W.P.No.27196 of 2019
and

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vgi(co)
nr 24/10/2019



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