

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.29597 of 2019
and
W.M.P.No.29485 of 2019

1.K.Kalidass
2.K.Selvakumar

... Petitioners

Vs.

1.The North Zone Committee for Adjudication of Claims/
Objections relating to Co-operative Society election
Rep. by its Chairman
TNPSC Bank Building
NSC Bose Road, Parrys, Chennai 600 001

2.The Commissioner
Tamil Nadu State Cooperative Election Commission
No.273, Kamadhenu Supermarket
Anna Salai, Chennai

3.The Returning Officer
JJ-221, Medavakkam Urban Co-operative Credit Society
Medavakkam
Chennai 600 100

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in his order dated 31.07.2019 in Complaint No.140 of 2018 and quash and direct the 2nd respondent to conduct a fresh election for the post of all Directors in all the category viz. General Women and SC/ST for the JJ-221, Medavakkam Urban Co-operative Credit Society within the time limit fixed by this Court.

For Petitioner :Mr.Mohana Raja

For Respondents :Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

This petition has been filed by the petitioner to call for the records on the file of the 1st respondent in his order dated 31.07.2019 in Complaint No.140 of 2018 and quash and direct the 2nd respondent to conduct a fresh election for the post of all Directors in all the category viz. General Women and SC/ST for the JJ-221, Medavakkam Urban Co-operative Credit Society within the time limit fixed by this Court.

2.Heard the learned counsel for the petitioner.

3.The writ petition is filed challenging the order of the Zonal Committee constituted by this court to look into the complaints and allegations regarding the election process in the Cooperative Society.

4.The contention of the petitioner is that the Zonal Committee ought to have allowed the complaint in toto and set aside the entire election process of 11 seats instead of partially allowing the complaint given by the petitioner herein and one K.Selvakumar. The direction to the Election Commissioner to conduct election to the 6 general seats alone instead of all 11 seats inclusive of 5 reserved seats is not legal.

5.This court finds no merit in this writ petition since the complaint itself before the Zonal Committee, was only regarding the rejection of nomination of the petitioner and another belonging to the general category. The Zonal Committee has accepted the complaint and set aside the election process for 6 seats under the general category. When there is no complaint regarding the acceptance / rejection of nomination and declaration of results in respect of the reserved category (5 seats) there is no need to set aside the entire election. Hence writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

kas

To.

1.The Chairman

The North Zone Committee for Adjudication of Claims/
Objections relating to Co-operative Society election
TNPSC Bank Building
NSC Bose Road, Parrys, Chennai 600 001

2.The Commissioner

Tamil Nadu State Cooperative Election Commission
No.273, Kamadhenu Supermarket
Anna Salai, Chennai

3.The Returning Officer

JJ-221, Medavakkam Urban Co-operative Credit Society
Medavakkam
Chennai 600 100

+1cc to Mr.L.P.Shanmugasundaram, Advocate SR.87182

+1cc to Mr.R.Mohanaraja, Advocate, SR.87254

+1cc to the Government Pleader SR.87309

W.P.No.29597 of 2019

and

W.M.P.No.29485 of 2019

Kas (CO)

CB(27/11/2019)



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