

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:15.11.2019

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.32252 of 2019

and

W.M.P.Nos.32539, 32541 and 32544 of 2019

R.Baby

.. Petitioner

/versus/

1.The Registrar of Co-operative Society,
State Election Commissioner of Co-operative Election,
No.273, Kamadhenu Super Market,
Anna Salai, Chennai 600 018.

2.The Deputy Registrar of Co-operative
Societies/District Election Officer,
Tirukovilur, Villupuram District.

3.The Election Officer/Co-operative Sub Registrar,
I.I.621, Kuraal Primary Agricultural Co-operative
Credit Society Ltd.,
Chinnasalem Taluk,
Villupuram District.

4.I.I.621, Kuraal Primary Agricultural Co-operative
Credit Society Ltd.,
Rep.by its Special Officer,
Chinnasalem Taluk,
Villupuram District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Certiorarified Mandamus to call for the records in connection
with the impugned order of 2nd respondent in Na.Ka.600/2018 Co-
OP, Ele(2) dated 06.11.2019 and quash the same as illegal and
consequently direct the 2nd respondent to issue fresh election
notification to all 11 members vacancy in I.I.621, Kuraal
Primary Agricultural Co-operative Credit Society Ltd.,
Chinnasalem Taluk, Villupuram District.

For Petitioner :Mr.R.Kumaravel

For Respondents:Mr.M.J.Palaniswamy

Standing Counsel for R1

Mr.L.P.Shanmugasundaram,

Spl.G.P.for R2 to R4

ORDER

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

2. Heard Mr.R.Kumaravel, learned counsel appearing for the petitioner and Mr.M.J.Palaniswamy, learned standing counsel, who takes notice for the 1st respondent and Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who takes notice for respondents 2 to 4.

3. This Writ Petition has been filed seeking Certiorarified Mandamus to call for the records in connection with the impugned order of 2nd respondent in Na.Ka.600/2018 Co-OP, Ele(2) dated 06.11.2019 and quash the same as illegal and consequently direct the 2nd respondent to issue fresh election notification to all 11 members vacancy in I.I.621, Kuraal Primary Agricultural Co-operative Credit Society Ltd., Chinnasalem Taluk, Villupuram District.

4. The Election for the 4th respondent-Society was countermanded based on the communication of the Election Commission dated 09.04.2018 and the same was communicated to the District Election Officer vide his proceedings dated 25.11.2018. Meanwhile, some of the contestants have approached this Court and pursuant to the direction of the Division Bench of this Court, Zonal Committee was constituted and the grievance of improper rejection of nomination and other irregularities were considered by Four Zonal Committees constituted, by virtue of the Division Bench Order.

5. As far as the complaint preferred by the contestants of the 4th respondent-Society is concerned, the Zonal Committee has directed the Election Commission to conduct a fresh election for the general category candidates and pursuant to that, Election schedule has been announced on 06.11.2019.

6. The contention of the petitioner is that when the District Election Officer has cancelled the entire election process vide his proceedings dated 25.04.2018, pursuant to the Election Commission direction, the Zonal Committee cannot restrict fresh election for general category alone.

7. The learned Standing Counsel appearing for 1st respondent/Registrar of Co-operative Society would submit that subsequent to the general order passed by the District Election Commission on 25.04.2018, the matter was seized by the Division Bench of this Court and on the direction of the Division Bench of this Court, the Zonal Committee has considered the complaint and passed order for fresh election in respect of the general category alone. Therefore, the order of the Zonal Committee will prevail upon the communication issued by the District Election Commissioner on 25.04.2018, which was issued prior to the scrutiny of the affairs by the

Division Bench of this Court and Zonal Committee constituted by this Court. Further, the learned counsel would also submit that another petition has been filed before the Zonal Committee seeking fresh election for entire Board of Directors and the matter is pending before the Zonal Committee and posted for hearing on 18.11.2019.

8.After verifying the records, the learned standing counsel appearing for the 1st respondent further states that the petitioner herein has submitted nomination only for general category and the schedule fixed by the Election Officer for electing the Directors under the general category is no way going to affect the petitioner herein.

9.In any event, since it is brought to the notice of this Court that the matter has been seized of by the Zonal Committee, which is the competent authority to look into the election of the improper acceptance and rejection of nomination, I leave it open for the Zonal Committee to decide the complaint and any election process conducted will be subject to the out come of the complaint pending before the Zonal Committee.

10.With the above observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To:

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I.I.621, Kuraal Primary Agricultural Co-operative
Credit Society Ltd.,
Chinnasalem Taluk,
Villupuram District.

+1cc to Mr.L.P.Shanmugasundaram , Advocate SR.No.95536

+1cc to Mr.R.Kumaravel, Advocate SR.No.95361

+1cc to Special Government Pleader (Co-OP), High Court, Madras
SR.No.95540

W.P.No.32252 of 2019

MR (CO)
GMY (25/11/2019)



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