



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 33890 of 2019
and
W.M.P. No. 34429 of 2019

J. Raju

... Petitioner

-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-319, Jedayalinga Primary Agricultural
Cooperative Credit Society,
Nedugula, The Nilgiris District.
4. J. Mahalingam
5. K.K. Madhan
6. Jayanthi
7. B. Kari

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Prohibition, prohibiting the First to Third Respondents from conducting the election of J-319, Jedayalinga Primary Agricultural Cooperative Credit Society Nedugula, The Nilgiris District to be held on 04.12.2019 as per the Notification dated 14.11.2019 issued by the Second Respondent due to the violation of Section 34(I) (a) of the Tamil Nadu Cooperative Societies Act 1988 and Rule 63 of the Tamil Nadu Cooperative Societies Rules 1988.

For Petitioner : Mr. Karthikeyan
for Mr. M.C. Govindan

For R1 : Mr. M.S.Palanisamy

For R2 & R3 : Mr. D. Venkatachalam
Additional Government Pleader



O R D E R

Heard Mr. Karthikeyan, for Mr. M.C. Govindan, Learned Counsel for the Petitioner, Mr. M.S.Palanisamy, Learned Counsel for the First Respondent, Mr. D.Venkatachalam, Learned Additional Government Pleader for the Second and Third Respondents and perused the materials placed on records, apart from the pleadings of the parties.

2. According to the Petitioner, the Fifth to Seventh Respondents are related to the Fourth Respondent who is working as Secretary of the Third Respondent/Co-operative Credit Society and as such, in terms of Section 34(1)(a) of the Tamil Nadu Co-operative Societies Act, 1983 read with Rule 63 of the Tamil Nadu Cooperative Societies Rules 1988, they are disqualified from being elected as Members of its Board.

3. Learned Additional Government Pleader appearing for the Second and Third Respondents, on instructions, states that the Fourth Respondent has been transferred to another Co-operative Society by proceedings dated 26.11.2019 and he has produced a copy of the same. Learned Counsel for the Petitioner has acknowledged its receipt.

4. In view of the subsequent events, the disqualification complained by the Petitioner against the Fifth to Seventh Respondents does not survive for consideration. It is also made clear that no view is expressed by this Court on the contention of the Petitioner that the Fifth to Seventh Respondents are related to the Fourth Respondent and that question is left open to be decided, if such necessity arises.

5. Accordingly, the Writ Petition is disposed on the aforesaid terms. Consequently, connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

arb/maya
To

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



3. The Election Officer,
J-319, Jedayalinga Primary Agricultural
Cooperative Credit Society,
Nedugula, The Nilgiris District.

W.P. No. 33890 of 2019

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