

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.26739 of 2018
and
WMP.No.31102 of 2018

R.Janakiraman

... Petitioner

Vs.

1.The Registrar,
Co-operative Societies,
V.V.P.Nagar, Thattanchavady,
Puducherry.

2.The Koodapakkam Primary Agricultural
Co-operative Society rept. by the
Administrator,
Koodapakkam,
Puducherry.

3.K.Segar

4.I.Ganapathy

5.P.Subramani

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF DECLARATION, declaring that the oral cancellation of the elections scheduled to be held on 01.08.2018 and appointment of the respondents 3 to 5 on 20.08.2018 as President, and Committee Members of the Koodapakkam Primary Agricultural Co-operative Credit Society is illegal and invalid and consequently to direct the first respondent to take immediate steps to conduct the elections under supervision of the present Administrator of the Society immediately.

For Petitioner : Mr.V.Ajayakumar

For Respondents : Mr.A.V.Ramalingam, for R1

M/s.P.Veena Suresh, for
RR3 to 5

O R D E R

The petitioner has filed this Writ Petition praying to issue a WRIT OF DECLARATION, declaring the oral cancellation of the elections scheduled on 01.08.2018 and the appointment of respondent Nos.3 to 5 on 20.08.2018 as President, and Committee Members of the Koodapakkam Primary Agricultural Co-operative Credit Society, as illegal and invalid and consequently to direct the first respondent to take immediate steps to conduct the elections to the Society in a fair and transparent manner under the supervision of the present Administrator of the Society immediately.

2.The learned counsel for the petitioner, challenging the cancellation of the election, would submit that while the Society was run through the Administrators, on 01.05.2018, elections were declared to be held on 24.05.2018, however, the same was cancelled through a notice dated 14.05.2018. Subsequently, on 09.05.2018, another notice was issued declaring the election date as 01.08.2018, however, on 23.07.2018, it was cancelled through oral notice. Subsequently, on 19.09.2018, an order was issued by the Registrar appointing a three Member Committee under Section 33 of the Societies Act, 1972, whereas the procedure prescribed under the said Section was not followed. Hence, challenging the cancellation of elections as well as the appointment of the Committee as illegal, the present writ petition has been filed before this Court.

3.The learned counsel for the respondents now submit that the Authorities shall complete the election process within the time as mentioned in the affidavit of undertaking before this Court.

4.Both the parties have now agreed to conduct the election at an early date. To that effect, the Registrar of Co-operative Societies, Puducherry has filed an additional affidavit before this Court. Paragraph No.4 therein, being relevant, is extracted below:-

"4) I respectively submit that, in view the reasons stated above, the election afresh to the committee of management of the Koodapakkam Primary Agricultural Co-operative Credit Society Ltd., No.P.19 will be conducted after revocation of the MCC by the Election Commission of India and positively before 31st July, 2019. Accordingly, the third respondent viz., the President of the three-member committee, shall be

instructed to arrange to conduct election to elect a new committee of management."

5.In the light of the above undertaking in the said affidavit, it is made clear that the third respondent shall conduct the election to elect the new committee of Management and the first respondent shall appoint the Additional Registrar of the Co-operative Society to monitor the election process.

6.With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Registrar,
Co-operative Societies,
V.V.P.Nagar, Thattanchavady,
Puducherry.
- 2.The Administrator,
Koodapakkam Primary Agricultural Co-operative Society
Koodapakkam,Puducherry.

+1 cc to Mr.V.Ajayakumar, Advocate, Sr.No. 25646

NMI (CO)
CSL/25.06.2019

W.P.No.26739 of 2018

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