

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM :

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

**WRIT PETITION Nos.28536, 27125 & 34204 of 2018
and
W.M.P.Nos.33278, 31530, 33734 & 39735 of 2018**

In W.P.No.28536 of 2018

G.K.Ezhil

.. Petitioner

Vs.

- 1.The Election commissioner,
Tamil Nadu State Co-operative Societies,
No.273, Kamdhenu Supermarket, I Floor,
Anna Salai, Chennai – 600 018.
- 2.The District Election Officer (Co-operative Societies),
Tiruvallur Region, Tiruvallur – 602 001.
- 3.The Election Officer,
N.G. 1254, Saidapet Taluk, Agricultural Producers
- Cooperative Marketing Societies Limited,
Redhills, Chennai – 600 052.

..Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the process of Election Schedule of N.G. 1254, Saidapet Taluk Agricultural Producers Cooperative Marketing Societies Limited of the Respondents under Rule

52(5) of the Tamil Nadu Co-operative Societies Rule, 1988 is illegal, void and not free, fair and transparent and to direct the Respondents to conduct afresh Election Schedule of the said Societies in accordance with Tamil Nadu Co-Operative Societies Act, 1983 and Tamil Nadu Co-operative Societies Rules , 1988 in free, fair and transparent within a time to be fixed by this Court.

In W.P.No.27125 of 2018

R.Soundarajan .. Petitioner

Vs.

- 1.The Commissioner,
The Tamil Nadu State Co-operative
Societies Election Commission,
No.273, Kamdhenu Building,
Teynampet, Chennai – 600 018.
- 2.The Election Officer,
G-1254, Saidapet Agricultural Co-operative
Tradesmen Society,
Chenkundram, Chennai – 600 052.
- 3.G-1254, Saidapet Agricultural Co-operative
Marketing Society,
Rep. By its Secretary,
Chenkundram, Chennai – 600 052.

..Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to include the name of the petitioner in the final valid voters list, for the election in the G-1254, Saidapet Agricultural Co-operative Marketing Society, Chenkundram, Chennai – 600 052, by

considering the representations dated 09.10.2018, made by the petitioner to the first and second respondents.

In W.P.No.34204 of 2018

R.Munuswamy

.. Petitioner

Vs.

- 1.The Election commissioner,
Tamil Nadu State Co-operative Societies,
No.273, Kamdhenu Supermarket, I Floor,
Anna Salai, Chennai – 600 018.
 - 2.The District Election Officer (Co-operative Societies),
Tiruvallur Region, Tiruvallur – 602 001.
 - 3.The Election Officer,
N.G. 1254, Saidapet Taluk, Agricultural Producers
- Cooperative Marketing Societies Limited,
Redhills, Chennai – 600 052.
- .. Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent in particular the 3rd respondent to conduct the recounting of votes which was held on 15.12.2018.

For Petitioner
in W.P.No.28536 of 2018 : Mrs.L.Sasireka

For Petitioner
in W.P.No.27125 of 2018 : Mr.P.Raja

For Petitioner
in W.P.No.34204 of 2018 : Mr.G.Nagarajan

For Respondent 1 in all WPs. : Mr.M.S.Palaniswamy,
Standing Counsel

For Respondents 2 & 3 in
W.P.Nos.28536 & 34204
of 2018 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

For Respondents 2 & 3 in
W.P.No.27125 of 2018 : Mr.Vijaynarayan
Advocate General
assisted by
Mr.L.P.Shanmugasundaram,
Special Government Pleader

COMMON ORDER

Writ petitions have been filed (i) challenging the election for the Board of Directors of the 3rd respondent - Agricultural Producers Cooperative Marketing Societies Limited, (ii) to include the name of the petitioner in the final valid voters list and (iii) to conduct the recounting of votes which was held on 15.12.2018.

2.The learned counsel for the respondent filed a counter affidavit stating that now the election for Board of Directors and Office bearers have been conducted and results have also been declared. Further, the elected Board of Directors and Office bearers were assumed the office immediately after declaration of results.

3.Considering the above facts and circumstances and the election for Board of Directors and Office bearers is also over, further, the elected persons have assumed the office, now, the only remedy available to the petitioner is to challenge the election by filing a petition under Section 90 of the Tamil Nadu Co-operative Societies Act and all the issues raised in these writ petitions cannot be considered at this stage.

4.Under these circumstances, all the writ petitions are dismissed, however, liberty is granted to the writ petitioners to challenge the election by filing a petition under Section 90 of the Tamil Nadu Co-operative Societies Act, before the appropriate authorities. Consequently, connected miscellaneous petitions are closed. No costs.

03.01.2019

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Note: Issue order copy on 23.01.2019

Index : Yes/No

Internet : Yes/No

Speaking order/Non Speaking order

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V.BHARATHIDASAN, J

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- Cooperative Marketing Societies Limited,
Redhills, Chennai – 600 052.

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and
W.M.P.Nos.33278, 31530, 33734 & 39735 of 2018**

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