



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.05.2019

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.12074 of 2019

and

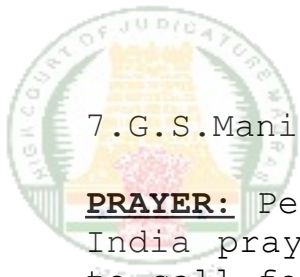
W.M.P.(MD)Nos.9079 to 9081 of 2019

Z874, Solanadu Primary
Agricultural Co-operative Credit Society,
Pateeswaram, Thanjavur District rep by its
The President Mr.P.Somalingam

...Petitioner

Vs.

- 1.The Committee on Co-operative
Election Cases (East Central Zone)
Represented by its Secretary,
Headquarters at Trichy,
Trichy.
- 2.The State of Tamil Nadu Co-operative Societies,
Election Commission, Represented by its,
Election Commissioner,
No.273, Kamadenu Super Market,
Anna Salai, Chennai-18.
- 3.The District Election Officer/
District Registrar of Co-operative,
Kumbakonam Circle,
Kumbakonam, Thanjavur District.
- 4.The Election Officer,
Solanadu Primary Agricultural Co-operative Credit Society,
Kumbakonam, Thanjavur District.
- 5.V.Manivasagam



7.G.S.Mani

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the first respondent by a common order in petition Nos.111, 158 and 164 of 2018, dated 31.01.2019 and quash the same and consequentially direct the first respondent to implead and provide sufficient opportunity to the elected office bearers including the petitioner of Z-874, Solanadu Primary Agricultural Co-operative Credit Society, Pateeswaram, Thanjavur District.

For Petitioner : Mr.Niranjana S.Kumar
For R1 to R4 : Mr.K.Chellapandian
Additional Advocate General
Assisted by Mrs.J.Padmavathy Devi
Special Government Pleader

ORDER

[Order of the Court was made by **M.DHANDAPANI, J.**]

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General appearing for the respondents.

2. The petitioner, who is elected as President of the petitioner's Society, approached this Court challenging the order passed by the first respondent Committee constituted by this Court.

3.The case of the petitioner is that the affected parties, whose nominations were rejected approached the first respondent Committee. After hearing them, the Committee passed an order appointing an Election Officer to conduct the fresh election, in which no opportunity was given to the petitioner. Hence, the petitioner has approached this Court by filing this writ petition.

4.A perusal of the impugned order reveals that after receipt of the nominations from certain members on 26.03.2018, the Election Officer did not turn up on 27.03.2018 to the society for scrutinizing the nomination papers and in support of their contention they had produced one certificate issued by the Secretary to the effect that on 27.03.2018 the Election Officer did not turn up. The Election Officer filed his counter. After hearing the parties, the Election Officer has rejected the nominations of Thiru.Sekar, Thiru.Sampath and Thiru.V.Selvam on 27.03.2018. The Committee gone through the entire papers and found that there was a malpractices in rejecting the 15



nominations without any proper scrutiny and further observed that the Election Officer conducted an election in the partitioned manner and decided in favour of the petitioner herein. Hence, the Committee decided to issue a direction to the Election Commission to issue necessary direction to the District Election Officer and the Society to conduct an election in a free and fair manner to the society by appointing a Government Servant as Election Officer within a period of two months from the date of issue of direction by the Election Commission and the Election Commission has to issue such direction within a period of 15 days from the date of receipt of this order and report compliance.

5. In view of the above, we do not find any illegality in the order passed by the first respondent Committee. Accordingly, the writ petition is dismissed. However, liberty is given to the petitioner to participate in the election process once again. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

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Kumbakonam, Thanjavur District.



+1 CC to M/s.NIRANJAN S.KUMAR, Advocate (SR-65791[F] dated 15/05/2019)

+1 CC to M/s.G.RAJENDRAN, Advocate (SR-66021[F] dated 16/05/2019)

+1 CC to M/s.SPL GP (SR-66079[F] dated 16/05/2019)

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