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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.12170 of 2019

and

W.M.P.(MD)No.9142 of 2019

G.Senthilkumar

...Petitioner

Vs.

1.The Secretary,
The Hon'ble Special Committee on
co-operative Election Cases,
East Central Zone, Tiruchirapalli.

2.The District Election Officer,
Deputy Registrar Co-operative Societies,
Aranthangi Circle, Pudukkottai District.

3.The Election Officer,
Aranthangi Co-operative Urban Bank,
Pudukkottai District.

4.The Aranthangi Co-operative Urban Bank,
Aranthangi, represented by its Secretary,
Aranthangi, Pudukkottai District.

5.M.Dhanaraj

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari calling for the records pertaining to the impugned order dated 29.02.2019 made in petition No.150 of 2018, on the file of the first respondent and quash the same.

For Petitioner	: Mr.P.Ganapathi Subramanian
For Respondents	: Mrs.J.Padmavathy Devi Special Government Pleader for R.1 to R.4

ORDER

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

Heard the learned counsel appearing for the writ petitioner
and the learned Special Government Pleader appearing for the
respondents 1 to 4.



2. The petitioner, who is elected as a Director of the fourth respondent Society, approached this Court challenging the order passed by the first respondent Committee constituted by this Court.

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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 out of the 13 nomination papers which the election officer had accepted the nomination of one Thiru.Siva Sakthivel, the member number 15350 itself differed even then the Election Officer accepted the nomination, but subsequently he withdrew the nomination. The very fact that the election officer did choose to simply have before him only 16 nominations and accepting 13 nominations which includes one invalid nomination, out of the total membership of large number of members in the voters list being 9951 would expatiate and enhance that all was not well with the election process conducted by the Election Officer. It is only a tip of an ice berg and from that we could understand as to how the democratic process was not implemented in a just and proper manner. 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 petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

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co-operative Election Cases,
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4. The Aranthangi Co-operative Urban Bank,
Aranthangi, represented by its Secretary,
Aranthangi,
Pudukkottai District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 66078

W.P. (MD) No. 12170 of 2019
15.05.2019

grc(CO)
TR (22.05.2019) 3P 6C