

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 04.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.1239 of 2019
and W.M.P. (MD) No.1060 of 2019

T.Vivekanandar

... Petitioner

-vs-

- 1.The Deputy Registrar/The District Election Officer,
Tirunelveli District Central Co-operative Society,
Tirunelveli District.
 - 2.The Special Officer/The Election Officer,
A314/2690 Tirunelveli District Central Co-operative Society,
Tirunelveli.
 - 3.The Special Officer/The Election Officer,
O.233 Keelapavoor Primary Agricultural Co-operative
Credit Society,
Tirunelveli District.
- ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records on the file of the 1st respondent through his proceedings in Publication No.NIL dated 09.01.2019, consequential republication No.NIL dated 10.01.2019 published in news paper Daily Malar for conducting election to the 2nd Respondent's A314/2690 Tirunelveli District Central Co-operative Society and quash the same as illegal.

For Petitioner

: Mr.M.Jegadeesh Pandian

For Respondents

: Mr.P.H.Aravind Pandian,
Additional Advocate General,
Assisted by Mr.R.Bala Ramesh,
Special Government Pleader

O R D E R(Order of the Court was made by **S.S.SUNDAR, J.**)<https://hcservices.ecourts.gov.in/hcservices/>

This writ petition has been filed seeking to quash the



proceedings of the first respondent dated 09.01.2019, for conducting election to the second respondent, viz., A314/2690 Tirunelveli District Central Co-operative Society.

2.The petitioner states that the election for the Primary Co-operative Society viz., 0.233 Keelapavoor Primary Agricultural Co-operative Credit Society was not conducted. Therefore, without conducting the election to the Primary Co-operative Society, the election now announced for the District level Central Co-operative Society is illegal.

3.It is now admitted that the election to 0.233 Keelapavoor Primary Agricultural Co-operative Credit Society was conducted and the writ petition filed by the third respondent was referred to the South Zonal Committee, Madurai as per order passed in the Batch of writ petitions. Learned Additional Advocate General has submitted that the Hon'ble South Zone Committee has ordered to conduct election by including the petitioner's name in the nomination list. It is further stated the petitioner was elected as one of the 11 Directors on 15.02.2019. It is further stated that the election of President and Vice President was also held on 25.02.2019. In these circumstances it is submitted that only the President as nominee of the Primary Cooperative Society will be able to participate in the election that will be conducted for the Tirunelveli Central Cooperative Society.

4.The learned counsel for the petitioner, however, raised a dispute that as per the Bye-Laws of 0.233 Keelapavoor Primary Agricultural Co-operative Credit Society it is not only the President or Vice-President of the Society, who would represent the Society but also any one of the Directors of the Society can be nominated by the Society to participate in the next level election.

5.The learned Additional Advocate General appearing for the respondents submitted that any person from the 0.233 Keelapavoor Primary Agricultural Co-operative Credit Society as per the Bye-Law of the Society will be permitted to participate in the election for the District Level Society.

6.In view of the above, the grievance of the petitioner is addressed and the petitioner has no further issues and hence, this Court is inclined to pass the following order:

(i) Any Nominee of the 0.233 Keelapavoor Primary Agricultural Co-operative Credit Society as per Bye-Law of the Society will represent the Society in the election that is proposed for the A314/2690 Tirunelveli District Central Co-operative Society.

(ii) The election for A314/2690 Tirunelveli District Central Co-operative Society will be conducted after issuing fresh election notification, following the Rules and the election shall be held in accordance with the Rules.



7. Since the grievance of the petitioner has been taken care of by the above directions, no further adjudication is necessary in this Writ Petition. Hence, this Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

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2. The Special Officer/The Election Officer,
A314/2690 Tirunelveli District Central Co-operative Society,
Tirunelveli.
3. The Special Officer/The Election Officer,
O.233 Keelapavoor Primary Agricultural Co-operative
Credit Society,
Tirunelveli District.

SJ

W.P. (MD) No.1239 of 2019

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