



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P (MD) NO.13589 OF 2019

and

W.M.P (MD) Nos.10137 and 10138 of 2019

R.Ramesh

:Petitioner

.vs.

- 1.The Committee on Co-operative Election Cases,
East Central Zone,
Trichirappalli.
- 2.A.Chellaiyan
- 3.The State Tamil Nadu Co-operative
Societies Election Commissioner,
No.273, Kamadenu Super Market,
Anna Salai, Chennai - 600 018.
- 4.The District Election Officer,
Deputy Registrar of Co-operative Societies,
Nagapattinam Circle.
- 5.The Election Officer,
Vaivedu Primary Agricultural Co-operative Credit Society,
Nagapattinam.
- 6.TV SPL No.1, Vaivedu Primary Agricultural Co-operative
Credit Society,
represented by its Secretary,
Nagapattinam District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent dated 23.3.2019 in Petition No.17 and 18 and the consequential order passed by the third respondent in his proceedings in Na.Ka.1719/2019/Koo.The2(11), dated 10.06.2019 and to quash them.



WEB COPY

For Petitioner

:Mr.D.SrinivasaRaghavan

For Respondents
1,4 and 5

:Mr.K.Chellapandian
Addl.Advocate General
assisted by
Mr.VR.Shanmuganathan
Special Govt.Pleader

For Respondent-3

:Mr.G.Rajendran
Standing Counsel

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU.,J.**]

This Writ Petition is filed challenging the order passed by the first respondent, dated 23.03.2019 and the consequential order passed by the third respondent, dated 10.06.2019.

2.Heard the learned counsel appearing for the Petitioner and the learned Additional Advocate General appearing for the respondents 1,4 and 5 and the learned Standing Counsel appearing for the third respondent.

3.Election to the subject-matter society namely, TVL SPL No.1, Vaimeedu Primary Agricultural Cooperative Credit Society, Nagapattinam District is scheduled to be conducted on 22.06.2019. The election earlier conducted was considered by the Committee/first respondent, which found that the Election Officer did not adhere to the rules for scrutinizing the nomination forms and that he arrived at a magical figure of 11 as valid nominations illegally. Therefore, the Committee set aside the election process already undertaken and ordered for fresh election from the stage of scrutiny of existing 45 nomination papers by appointing a Government Servant as an Election Officer. The committee also observed that the Election Commission has to issue necessary direction to the District Election Officer and the society to conduct the election in a free and fair manner to the society by appointing a Government Servant as Election Officer to conduct the election from the stage of scrutiny of the nomination forms already filed 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 the said order. Consequently re-election process commenced and accordingly, schedule is also fixed for scrutinizing the nomination papers on 17.6.2019 and for polling on 22.6.2019. Under the above stated circumstances, the Petitioner has approached this Court and filed this Writ Petition by seeking that he was one among the elected member in the earlier election and therefore without notice to him the present



impugned order was passed by the first respondent on 23.3.2019 and hence re-election cannot be conducted. Therefore, he seeks to set aside the impugned proceedings.

4. We are not inclined to interfere with the impugned proceedings for more than one reasons. First of all, when the Election process has already commenced, this Court will not interfere with such process and it is open to the Petitioner to challenge the election under Section 90 of the Tamil Nadu Co-operative Societies Act. Secondly, the first respondent/Committee has only set aside the earlier election and directed re-election, that too, by commencing the process from the stage of scrutiny of 45 nominations, out of which, the Petitioner is one among them. At the time of scrutinization of nomination papers, if the Petitioner wants to file his objection, it is open to him to do so. Therefore, the Petitioner is not prejudiced in any manner. Therefore, this Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Committee on Co-operative Election Cases,
East Central Zone,
Trichirappalli.

2. The State Tamil Nadu Co-operative
Societies Election Commissioner,
No.273, Kamadenu Super Market,
Anna Salai, Chennai - 600 018.

3. The District Election Officer,
Deputy Registrar of Co-operative Societies,
Nagapattinam Circle.

4. The Election Officer,
Vaivedu Primary Agricultural Co-operative Credit Society,
Nagapattinam.



5.The Secretary,
TV SPL No.1, Vaimedu Primary Agricultural Co-operative
Credit Society,
represented by its Secretary,
Nagapattinam District.

+1 CC to M/s.D.SRINIVASARAGAVAN, Advocate (SR-69162[F] dated
17/06/2019)

+1 CC to M/s.G.RAJENDRAN, Advocate (SR-69179[F] dated
17/06/2019)

+1 CC to M/s.SPL GP (SR-69591[F] dated 18/06/2019)

VSN

ORDER MADE IN
W.P(MD)NO.13589 OF 2019
and
W.M.P(MD)Nos.10137 and
10138 of 2019
17.06.2019

KM/(27.06.2019) 4P 9C