



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13607 of 2019

and

WMP(MD)Nos.10156 and 10157 of 2019

K.Suresh

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Co-operation, Food and Consumer
Protection Department,
Fort St.George, Chennai - 600 009.
- 2.The Election Commission,
Tamil Nadu State Co-operative Societies,
Rep. by its Secretary,
No.273, Kamadenu Super Market,
I Floor, Anna Salai,
Chennai - 600 018.
- 3.The Registrar of Co-operative Societies,
Chetpet, Chennai - 600 010.
- 4.The Joint Registrar of Co-operative Societies,
Thanjavur District, Thanjavur.
- 5.The District Election Officer/
Deputy Registrar,
Tamil Nadu State Co-operative Societies,
Kumbakonam, Thanjavur District.
- 6.The Election Officer,
T-1002 Chandrasekarapura Co-operative
Wholesale Store Ltd.,
Kumbakonam, Thanjavur District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India, to issue a writ of Certiorari calling for
the records pertaining to the impugned Election Notification dated
07.06.2019 issued by the fifth respondent herein as Phase -III by



way of Paper Publication in pursuant to the T-1002, Chandrakarapuram Co-operative Wholesale Store Ltd., Kumbakonam and quash the same as illegal.

For Petitioner : Mr.N.Anandakumar

For R1 & R3 to R6 : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.V.R.Shanmuganathan
Special Government Pleader

For R2 : Mr.G.Rajendran

O R D E R

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

This writ petition is filed challenging the election notification, dated 07.06.2019, issued by the fifth respondent in respect of the subject matter Society viz., T-1002, Chandrakarapuram Co-operative Wholesale Store Ltd., Kumbakonam.

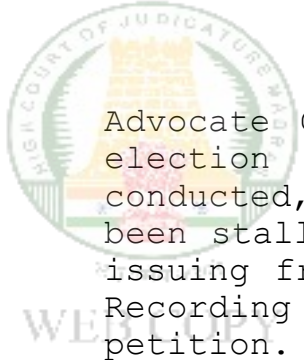
2.Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents 1 and 3 to 6.

3.According to the petitioner, the voters list prepared is not reflecting the actual number of voters and on the other hand, it has been restricted to only 800 and add members, whereas there are 27,048 individual members. Therefore, it is contended that the election to the subject matter Society will not be a free and fair election.

4.The learned Additional Advocate General submitted that the above members viz., 27,048 voters were there in the list before bifurcation and therefore, the petitioner is not justified in contending that all those members are even members in the subject matter Society, after bifurcation.

5.We are not inclined to go into all those issues at present for the simple reason that the election process has already commenced and the schedule is also issued for conducting the election on 27.06.2019.

6.In fact, the very same petitioner earlier approached this Court and filed W.P.(MD)No.4682 of 2019 challenging the election notification dated 28.02.2019 by contending that he was not allowed to enter into the premises to file his nomination at that relevant point of time. This Court, after hearing both sides, disposed of the writ petition on the submissions made by the learned Additional



Advocate General that there was a clash and because of that the election has been countermanded and if the election is to be conducted, it will not be started from the stage from which it has been stalled and it will start afresh right from the first step of issuing fresh publication and fresh notification for the election. Recording the said submission, this Court disposed the writ petition. Thereafter, a fresh notification is issued, which is now put to challenge before this Court.

7. Needless to say that if the petitioner is aggrieved against the election results and also the process of such election, it is always open to him to raise the dispute under Section 90 of the Tamil Nadu Co-operative Societies Act before the appropriate authority after the declaration of the result. When such course of action is available to the petitioner, we do not find any reason or justification to interfere with the election at this stage, that too after the commencement of the election process. Thus, without expressing any view on the claim made by both sides, this writ petition is dismissed by granting liberty to the petitioner to work out his remedy after declaration of the election result. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

rj2

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Co-operation, Food and Consumer
Protection Department,
Fort St.George, Chennai - 600 009.

2.The Election Commission,
Tamil Nadu State Co-operative Societies,
Rep. by its Secretary,
No.273, Kamadenu Super Market,
I Floor, Anna Salai, Chennai - 600 018.

3.The Registrar of Co-operative Societies,
Chetpet, Chennai - 600 010.

4.The Joint Registrar of Co-operative Societies,
Thanjavur District, Thanjavur.



5.The District Election Officer/
Deputy Registrar,
Tamil Nadu State Co-operative Societies,
Kumbakonam, Thanjavur District.

WEB COPY

6.The Election Officer,
T-1002 Chandrasekarapura Co-operative
Wholesale Store Ltd.,
Kumbakonam, Thanjavur District.

+1CC TO MR.G.RAJENDRAN, Advocate Sr. No.69820

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 69780

W.P.(MD)No.13607 of 2019
18.06.2019

PM(CO)

TR (28.06.2019) 4P 9C