



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.06.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU**

**AND**

**THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

**W.P(MD)NO.13749 OF 2019**

**and**

**W.M.P(MD)Nos.10295 and 10296 of 2019**

S.P.N.Gunasekaran

:Petitioner

.vs.

1. The Commissioner,  
Tamil Nadu Co-operative Societies Election Commission,  
273, Scheme Road,  
Subbarayan Nagar,  
Teynampet,  
Chennai.

2. The Joint Registrar of Co-operative Societies,  
Pudukkottai,  
Pudukkottai District.

3. The Deputy Registrar of Co-operative Societies/  
District Election Officer,  
Aranthangi Town and Taluk,  
Pudukkottai District.

4. The Election Officer,  
M.M.390, Patchikottai Primary Agricultural  
Co-operative Credit Society,  
Patchikottai,  
Alangudi Taluk,  
Pudukkottai District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the list of accepted nominations for the Board of Management of M.M.390, Patchikottai Primary Agricultural Co-operative Credit Society, Patchikottai, Alangudi Taluk, Pudukkottai District dated 15.6.2019 published by the fourth respondent and to quash the same and further to forbear the respondents from conducting elections pertaining to M.M.390, Patchikottai Primary Agricultural Co-operative Credit Society, Patchikottai, Alangudi Taluk, Pudukkottai District until Petitioner's representation, dated 16.6.2019 relating to the issue of non acceptance of Petitioner's nomination



and discrepancies in the eligible voters list is considered and decided.

For Petitioner

:Mr.S.Poornachandran

For Respondent-1

:Mr.G.Rajendran

For Respondents  
2 to 4

:Mr.VR.Shanmuganathan  
Special Govt.Pleader

### **O R D E R**

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

This Writ Petition is filed challenging the election notification, dated 15.6.2019 issued in respect of election to the subject-matter Co-operative Society.

2.Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the first respondent and the learned special Government pleader appearing for the respondents 2 to 4.

3.The grievance of the Petitioner before this Court is that the electoral list published by the Election Officer contains the names of dead persons. Therefore, the Petitioner seeks for correcting the electoral list and thereafter to conduct the election.

4.In similar matter, the learned Additional Advocate General who appeared before this Court, submitted that the electoral list will be strictly verified at the time of election and the Election Officer will take all pre-cautionary measure to see that the election is conducted in a free and fair manner by verifying the electoral list. Therefore, We do not find any reason to interfere with the election at this stage, when election process has already commenced and it is for the Election Officer to look into the electoral list strictly and allow only persons who are alive to vote in the election. Needless to say that if any dead person is found in the electoral list, Election Officer will see that no false vote is polled in the name of the said person. When all these process are to be taken care of by the Election Officer and the election process has also already commenced by fixing the polling date as 21.6.2019, this Court, at this stage, is not inclined to interfere with the election. However, if the Petitioner is having any grievance against the process of selection or against the results of the same, it is always open to him to resort to the remedy available under Section 90 of the Tamil Nadu Co-operative Societies Act, by filing appropriate application before the competent forum.



5. Granting such liberty, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

vsn

To

1. The Commissioner,  
Tamil Nadu Co-operative Societies Election Commission,  
273, Scheme Road,  
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Teynampet, Chennai.
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Pudukkottai, Pudukkottai District.
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M.M.390, Patchikottai Primary Agricultural  
Co-operative Credit Society,  
Patchikottai,  
Alangudi Taluk,  
Pudukkottai District.

- + 1 CC TO Mr.S.Poornachandran, ADVOCATE IN SR No.70341
- + 1 CC TO Mr.G.Rajendran, ADVOCATE IN SR No.69822
- + 1 CC to The Special Government Pleader SR.No.70067

**ORDER MADE IN**  
**W.P(MD)NO.13749 OF 2019**  
**and**  
**W.M.P(MD)Nos.10295 and 10296 of 2019**

19.06.2019

**KS(02.07.2019) 3 P 8 C**