



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.06.2019
CORAM:
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**W.P. (MD)No.13873 of 2019****and****W.M.P. (MD)No.10380 and 10381 of 2019**

P.Nageswaran

: Petitioner

Vs.

1. The Registrar of Co-operative Societies,
No.170, E.V.R.Periyar High Road,
Kilpauk, Chennai - 10.
2. The District Election Officer /
The Deputy Registrar of Co-operative Societies,
Aranthangi Circle, Pudukkottai District.
3. The Election Officer,
MM 390 Pachikottai Primary Agricultural
Co-operative Circul Society,
Aranthangi, Pudukkottai District.
- 4 MM 390 Pachikottai Primary Agricultural
Co-operative Circul Society,
Rep. by it Secretary, Aranthangi,
Pudukkottai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the entire records in pursuant to the impugned Election notification dated 31.05.2019, issued by the second respondent in respect of MM 390 Pachikottai Primary Agricultural Co-operative Society, Aranthangi, Pudukkottai District and quash the same as illegal. Consequently direct the respondents to conduct the Election afresh by following the rules and regulations governing by the Co-operative Societies Act.

For Petitioner

: Mr.S.M.Mohan Gandhi

For R-1 and R-2

: Mr.V.R.Shanmuganathan
Special Government Pleader



O R D E R

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

WEB COPY The petitioner is aggrieved against the election notification dated 31.05.2019 issued by the second respondent in respect of MM-390, Pachikottai Primary Agricultural Co-operative Society, Aranthangi, Pudukkottai District. Consequently, the petitioner seeks for a direction to the respondents to conduct the Election afresh by following the rules and regulations governing by the Co-operative Societies Act.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

3.The grievance of the petitioner before this Court, for challenging the election notification is, that his nomination paper was rejected by the election officer without any valid reason and thus it cannot be sustained. According to the petitioner, the Election Officer is acting in a high handed manner. Therefore, the core issue involved in this case is that the Election Officer has rejected the nomination paper of the petitioner and he is proceeding to conduct the election on 21.06.2019. Needless to say that once the election process has commenced and the polling is also scheduled to take place tomorrow (21.06.2019), this Court, at this stage, is not inclined to entertain the writ petition, more particularly, when the petitioner is having an effective remedy to challenge the election, after declaration of result, as contemplated under Section 90 of the Tamil Nadu Co-operative Societies Act.

4.Granted such liberty to the petitioner to raise all objections by way of election dispute under Section 90 of the Tamil Nadu Co-operative Societies Act, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (WRIT)

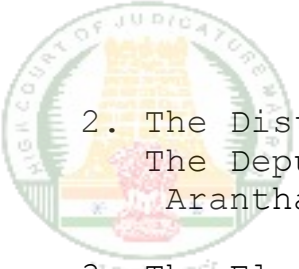
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Sub Assistant Registrar(CS)

Rj2

To

1. The Registrar of Co-operative Societies,
Kilpauk, Chennai - 10.



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

3. The Election Officer,
MM 390 Pachikottai Primary Agricultural
Co-operative Circul Society,
Aranthangi, Pudukkottai District.

4. The Secretary,
MM 390 Pachikottai Primary Agricultural
Co-operative Circul Society,
Rep. by its Secretary, Aranthangi,
Pudukkottai District.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.70689

+1cc to M/S S.M.MOHAN GANDHI, Sr.No. 70177

W.P. (MD) No.13873 of 2019

20.06.2019

BUC (01/07/2019) 3P/7C