



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NOS.14012 and 14013 OF 2019

and

W.M.P(MD)Nos.10495 to 10498 of 2019

1.R.Seeman : Petitioner in W.P(MD)No.14012 of 2018

2.M.Sukumaran : Petitioner in W.P(MD)No.14013 of 2018

.vs.

1.The Election Commissioner,
Tamil Nadu Co-operative Societies Election,
Office of the Commissionerate of Tamil Nadu
Co-operative,
Societies Election,
Chennai -18.

2.The Deputy Registrar of Co-operative Societies,
Sivagangai Circle,
Sivagangai District.

3.The Election Officer,
N.N.628 Nattarasankottai Primary Agricultural
Co-operative Societies,
Nattarasankottai,
Sivagangai District.

4.The Secretary,
N.N.628, Nattarasankottai Primary Agricultural
Co-operative Societies,
Nattarasankottai,
Sivagangai District.

: Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to Na.Ka.No.1036/2019/Ku.the 2(12), dated 13.06.2019 of the first respondent and to quash the same as illegal and consequently to direct the first respondent to issue proceedings to conduct election for the post of Board of Directors, of N.N.628, Nattarasankottai Primary Agricultural Cooperative Credit Society in respect of General Category in the light of the proceedings of the Honourable Commission in PROC.No.001/SJC/H.2018(70), dated 29.1.2019 by adopting all the usual procedures for the conduction of election.



For Petitioner
in both W.Ps'

: Mr.C.M.Arumugam

For Respondent-1
in both W.Ps'

: Mr.G.Rajendran

For Respondents
2 and 3 in both
W.Ps'

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

WEB COPY

COMMON ORDER

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

In both these Writ Petitions, challenge made is against the election notification issued by N.N.628 Nattarasankottai Primary Agricultural Co-operative Societies, Nattarasankottai, Sivagangai District in respect of General Category.

2.Heard the learned counsel appearing for the Petitioners and the learned counsel appearing for the first respondent and the learned Additional Advocate General appearing for the respondents 2 and 3 and perused the materials placed before this Court.

3.It is seen that earlier the election was conducted to the subject matter society and one of the person by name Chellapandian filed Writ Petition before this Court in W.P(MD)No.10670 of 2018 challenging the election on the reason that rejection of his nomination under General Category was illegal. Subsequently, the said Writ Petition was considered by the Committee constituted by this Court, which in-turn by order, dated 29.1.2019 set aside the election of Board of Directors of the General Category on the reason that the rejection of nomination of of the said Petitioner was illegal. Consequently, the Committee directed the the respondents 3 and 4 therein to conduct the election for the post of Board of Directors by electing six Board of Directors from the General Category with a specific direction that the name of the said Chellapandian(Petitioner in W.P(MD)No.10670 of 2018) shall be included in the General Category as one of the contestants and to conduct the election at the earliest. Accordingly, the impugned election notification is issued for conducting election to the General category.

4.The grievance of the Petitioners before this Court is that the action of the Election Officer in conducting election to the General Category in N.N.628 Nattarasankottai Primary Agricultural Co-operative Societies, Nattarasankottai, Sivagangai District by including the name of Chellapandian alone is not correct and on the other hand, once the election is directed to be conducted in



respect of the General Category, the Election Officer ought to have included these Petitioners names also, whose nominations were admittedly rejected earlier. Therefore, they contended that the present election notification cannot be sustained.

5. We are not not inclined to accept the above contention raised by the learned counsel appearing for the Petitioners for the simple reason that the Committee's order, dated 29.1.2019 is clear to the effect that the rejection of nomination of the Chellapandian alone as improper. Consequently the Committee set aside the election to the General Category with a direction to conduct the election by including the name of the said person alone. If at all the Petitioners are aggrieved against such order issued by the Committee, they should have challenged the said order then and there. Moreover they have not challenged their rejection of nomination before any forum, as has been done by the said Chellapandian. When that being so, the Petitioners have filed the present Writ Petitions, that too, at the 11th hour. It is not disputed that the election process has already commenced and election is going to take place on 24.6.2019. At this juncture, We are not inclined to entertain these Writ Petitions. Even otherwise, it is to be noted that the Petitioners are having effective remedy by way of raising election dispute under Section 90 of the Tamil Nadu Co-operative Societies Act, if at all they want to question the election.

6. Therefore, these Writ Petitions are dismissed, however by granting liberty to the Petitioners to work out their remedy by way of raising election dispute under Section 90 of the Tamil Nadu Co-operative Societies Act, after declaration of result. No costs. Consequently connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

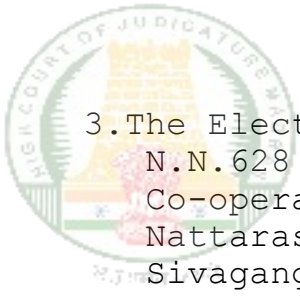
Sub Assistant Registrar (CS-)

vsn

To

1. The Election Commissioner,
Tamil Nadu Co-operative Societies Election,
Office of the Commissionerate of Tamil Nadu Co-operative,
Societies Election, Chennai -18.

2. The Deputy Registrar of Co-operative Societies,
Sivagangai Circle,
Sivagangai District.



3.The Election Officer,
N.N.628 Nattarasankottai Primary Agricultural
Co-operative Societies,
Nattarasankottai,
Sivagangai District.

WEB COPY

+1 CC to M/s.SPL GP (SR-70929, 70930[F] dated 24/06/2019)

+2 CC to M/s.C.M.ARUMUGAM,Advocate
(SR-70886,70887[F]dated 24/06/2019)

COMMON ORDER MADE IN
W.P(MD) NOs.14012 and
14013 OF 2019
and
W.M.P(MD) Nos.10495 to
10498 of 2019
21.06.2019

ES/02.07.2019/4P/7C