



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) Nos.14061 and 14062 of 2019

and

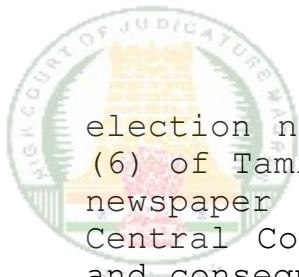
W.M.P. (MD) Nos.10545 and 10546 of 2019

Chinniah Ambalam : Petitioner in both the Writ Petitions
Vs.

1. The State Election Commissioner,
Tamilnadu State Co-operative Society,
Election Commission,
Chennai 600 018.
2. The Deputy Registrar Co-operative Societies,
Sivagangai District, Sivagangai.
3. The District Election Officer,
Sivagangai District, Sivagangai.
: Respondents 1 to 3 in both the Writ Petitions
- 4.RS-837, Sivagangai District Consumer
Co-operative Wholesale Society Limited,
Kanjirangal, Tiruppatur Road,
Sivagangai. : 4th respondent in W.P.(MD)No.14061 of 2019
5. RS - 836, Sivagangai District Central
Co-op Bank,
Tiruppatur Road, Sivagangai.
: 4th respondent in W.P.(MD)No.14062 of 2019

PRAYER IN W.P. (MD) No.14061 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the record of the impugned election notification published by the 3rd respondent under Rule 52 (6) of Tamilnadu Co-operative Societies Rules, 1988 in Daily Thanthi newspaper dated 03.06.2019 and quash the same and consequently direct the respondents to conduct free and fair co-operative election with the presence of any common man appointed by this Court.

PRAYER IN W.P. (MD) No.14062 of 2019: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the record of the impugned



election notification published by the 3rd respondent under Rule 52 (6) of Tamilnadu Co-operative Societies Rules, 1988 in Daily Thanthi newspaper dated 03.06.2019 regarding RS-836, Sivagangai District Central Co-op Bank, Tiruppatur Road, Sivagangai and quash the same and consequently direct the respondents to conduct free and fair co-operative election with the presence of any common man appointed by this Court.

For Petitioner in
both W.Ps. : Mr.RM.Arun swaminathan

For R-1 in both
Writ Petitions : Mr.G.Rajendran

For R-2 & R-3 in
both W.Ps. : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.V.R.Shanmuganathan
Special Government Pleader

For R-4 in
both W.Ps. : Mr.Shanmugaraja Sethupathi

C O M M O N O R D E R

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

Both these writ petitions are filed by the one and the same writ petitioner challenging the election to two different co-operative societies.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents.

3.The grievance of the petitioner before this Court is that without preparing proper voters list, the election was conducted and therefore, the declaration of result of election, based on improper voters list, cannot be held as valid.

4.The learned Additional Advocate General submitted that the election is already over and the results were also declared on 22.06.2019 itself, since there was no contest.

5.Considering the above stated facts and circumstances and in view of the fact that the election process has commenced and ended in declaring the results as well, we are not inclined to entertain these writ petitions only on the reason that the petitioner is having an effective remedy of challenging the election under Section 90 of the Tamil Nadu Co-operative Societies Act, by raising election dispute, if at all the petitioner is having any valid ground to challenge the same.



6. Granting such liberty, these writ petitions are disposed of without expressing any view on the merits of the claim made by the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The State Election Commissioner,
Tamilnadu State Co-operative Society,
Election Commission,
Chennai 600 018.
2. The Deputy Registrar Co-operative Societies,
Sivagangai District, Sivagangai.
3. The District Election Officer,
Sivagangai District, Sivagangai.

+2 CC to Mr.G.RAJENDRAN, Advocate SR-70857,70856

+1 CC to Mr.RM.ARUN SWAMINATHAN, Advocate (SR-71054[F] dated 25/06/2019)

+1.CC. To Mr.Shanmugaraja Sethupathi, Advocate in SR No.70806

+1 CC to SPL GP (SR-71535[F] dated 26/06/2019)

W.P. (MD) Nos.14061 and 14062 of 2019

and

W.M.P. (MD) Nos.10545 and 10546 of 2019

24.06.2019

RJ2

MK (02.07.2019) 3P 9C