



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

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

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) NO.14123 OF 2019

and

W.M.P (MD) Nos.10584 and 10585 of 2019

R.Venkatachalam

:Petitioner

.vs.

1.The Honourable Justice R.S.Ramanathan (Retd.)
Committee on Co-operative Societies Election Cases,
represented by its Secretary,
South Zone, Madurai.

2.S.Ayyappan

3.The State Election Commissioner,
Tamil Nadu State Co-operative Societies
Election Commission,
No.273, Kamadenu Super Market,
Anna Salai, Chennai - 600 018.

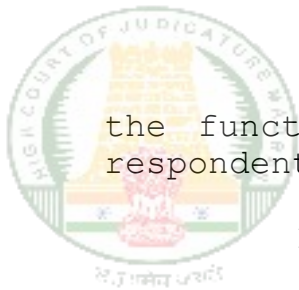
4.The District Election Officer/
Deputy Registrar of Co-operative Societies,
Tirunelveli Region,
Tirunelveli.

5.The Election Officer,
0129, Ukkirankottai Primary Agricultural
Co-operative Credit Society,
Tirunelveli District.

6.0129, Ukkirankottai Primary Agricultural
Co-operative Credit Society,
represented by its Secretary,
Ukkirankottai,
Tirunelveli 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 relating to the impugned order bearing PROC.No.001/SJC/H/2018(122), dated 20.3.2019 passed by the first respondent and to quash the same and for a consequential direction forbearing the fourth respondent from interfering with



the functions of the Petitioner as the President of the sixth respondent Society.

For Petitioner : Mr.S.P.Maharajan
For Respondents : Mr.G.Rajendran
1 and 3
For Respondents : Mr.VR.Shanmuganathan
4 and 5 Special Govt.Pleader

O R D E R

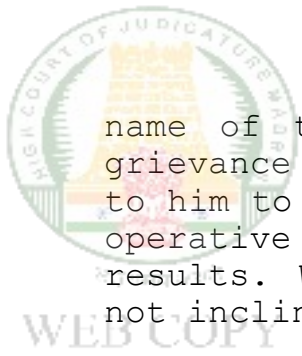
[Order of the Court was made by **K.RAVICHANDRABAABU., J.**]

This Writ Petition is filed challenging the order passed by the first respondent/Committee, dated 20.03.2019. Consequently, the Petitioner seeks to forbear the fourth respondent from interfering with the functions of the Petitioner as President of the sixth respondent-Society.

2.Heard the learned counsel appearing for the Petitioner and Mr.G.Rajendran, learned counsel appearing for the respondents 1 and 3 and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 4 and 5. Since this Writ Petition is being disposed of without affecting the interest of the second respondent, notice to the second respondent is dispensed with.

3.It is seen that election to the subject-matter society was originally scheduled and one S.Ayyappan namely, the second respondent herein has challenged the rejection of his nomination by way of filing W.P(MD)No.8268 of 2018 before this Court. In pursuant to the formation of Zonal Committees, the matter was referred to such Committee and consequently, after holding enquiry, the first respondent/Committee had passed the present impugned order on 20.3.2019, holding that the rejection of the second respondent's nomination was against the provision of Rule 52(8)(b) and the principles of natural justice. Consequently, the first respondent/Committee had set aside the rejection order and directed election to the Board of Directors under General Category afresh by including the name of the second respondent herein as one of the contestants, after getting necessary instructions from the Election Commissioner. Now, the Petitioner in this Writ Petition seeks to challenge the said order by contending that election cannot be conducted to the General category by including the name of the second respondent alone, especially, when the Petitioner who got elected already, cannot be disturbed.

4.First of all, it is to be noted that the first respondent/Committee has passed an order on 20.03.2019 and the said order is put to challenge before this Court, after nearly about six months. Moreover, when the first respondent/Committee has only directed fresh election to the General Category by including the



name of the second respondent, if the Petitioner is having any grievance against the conduct of such election, it is always open to him to challenge the same under Section 90 of the Tamil Nadu Co-operative Societies Act subsequent to the declaration of the results. When such avenue is available to the Petitioner, We are not inclined to entertain the present Writ Petition, at this stage.

5. Accordingly, the Writ Petition stands disposed of by granting liberty to the Petitioner to challenge the election once the results are declared under Section 90 of the Tamil Nadu Cooperative Societies Act, in the manner known to law. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

1. The Secretary,
The Honourable Justice R.S.Ramanathan(Retd.)
Committee on Co-operative Societies Election Cases,
South Zone,
Madurai.
2. The State Election Commissioner,
Tamil Nadu State Cooperative Societies
Election Commission,
No.273, Kamadenu Super Market,
Anna Salai, Chennai - 600 018.
3. The District Election Officer/
Deputy Registrar of Cooperative Societies,
Tirunelveli Region,
Tirunelveli.
4. The Election Officer,
0129, Ukkirankottai Primary Agricultural
Cooperative Credit Society,
Tirunelveli District.



5. The Secretary,
0129, Ukkirankottai Primary Agricultural
Cooperative Credit Society,
Ukkirankottai,
Tirunelveli District.

+1CC TO MR.S.P.MAHARAJAN, Advocate Sr. No.71069
+1CC TO MR.G.RAJENDRAN, Advocate Sr. No.71440
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.71476

ORDER MADE IN
W.P(MD)NO.14123 OF 2019
and
W.M.P(MD)Nos.10584 and 10585 of 2019
25.06.2019

PM(CO)
TR (09.07.2019) 4P 9C