



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14269 of 2019

and

WMP (MD) No.10715 of 2019

Sivasamy

: Petitioner

Vs.

1. The State Election Commission,
Tamilnadu Cooperative Societies
Election Commission,
Rep. by Secretary, Chennai.
2. The Chair Person,
Committee on Co-operative Societies
Election Cases,
South Zone, Madurai.
3. The Joint Registrar of Co-operative Society,
Office of the Joint Registrar Co-operative Society,
Sivagangai, Sivagangai.
4. The Deputy Registrars of Co-operative Society,
Sivagangai, Sivagangai District.
5. The Secretary, NN.549,
Sakkur Primary Agricultural Co-operative Society,
Sakkur, Sivagangai District.
6. Tmt.Mooka Bharathi,
Deputy Registrar cum /The District Election Officer,
Sivagangai.
7. K.Muthu,
Deputy Registrar /The District Election Officer,
Sivagangai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 6 and 7 herein not to conduct the elections on 27.06.2019 or any other date for the Executive Committee of Sivagangai District Central Cooperative Bank and also Sivagangai District Consumer Co-operative Wholesale Stores Ltd., as per the advertisement dated 03.06.2019 until the outcome of the writ petition filed by the petitioner in W.P.(MD)No.12341 of 2019 pending on the file of this Court.



WEB COPY

For Petitioner : Mr.K.P.Ramesh
For R-1 : Mr.G.Rajendran
For R-2 to R-4 : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.V.R.Shanmuganthan
Special Government Pleader

O R D E R

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

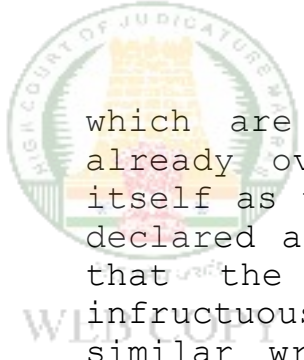
The petitioner seeks for a Mandamus directing the respondents 6 and 7 not to conduct elections on 27.06.2019 or on any other date for the Executive Committee members of Sivagangai District Central Cooperative Bank and also Sivagangai District Consumer Co-operative Wholesale Stores Ltd., as per the advertisement dated 03.06.2019, until the outcome of the writ petition filed by the petitioner in W.P.(MD)No.12341 of 2019 pending on the file of this Court.

2.Heard the learned counsel appearing for the petitioner; the learned counsel appearing for the first respondent and the learned Additional Advocate General appearing for the respondents 2 to 4.

3.Since we propose to dispose of the writ petition without expressing any view on the merits of the claim made by the petitioner only on the reason that the petitioner has to challenge the matter before the Election Tribunal, notice to respondents 5 to 7 are dispensed with.

4.The core contention of the petitioner before this Court is that without adding the fifth respondent Society as one of the voters in the voter's list, the election to the above said two societies cannot be conducted. Therefore, it is submitted by the petitioner that when already he has filed a writ petition before this Court as against the election for the post of President and Vice President to the fifth respondent Society and when this Court has also granted interim injunction in the said writ petition, conducting the election to the present District Co-operative Societies, as stated supra, cannot be permitted without including the fifth respondent as a party voter.

<https://hcservices.ecourts.gov.in/hcservices/>
5.The learned Additional Advocate General on the other hand submitted that insofar as the District Co-operative Societies,



which are referred to in the writ petition, the election is already over and the results are also declared on 22.06.2019 itself as there was no contest and consequently, 21 Directors were declared as elected on 22.06.2019 itself. Therefore, he submitted that the prayer in this writ petition itself has become infructuous. He further submitted that this Court dismissed similar writ petitions filed in W.P.(MD)Nos.14061 and 14062 of 2019 on 24.06.2019.

6.The main grievance of the petitioner before this Court is that without including the fifth respondent Society in the voters' list, election to the above said two District Co-operative Societies are sought to be conducted. Therefore, the petitioner seeks to prevent the election until the writ petition filed by the petitioner in respect of the fifth respondent Society is heard and decided.

7.Admittedly, the prayer sought for in the said writ petition is against the conduct of the election in respect of the above said two District Co-operative Societies. Now, it is stated before this Court by the learned Additional Advocate General that the election is already over and the results are also declared on 22.06.2019 itself, since there was no contest. When such being the factual position, especially when the results are also declared, it is for the petitioner to challenge such election in the manner known to law, that too, by filing an application under Section 90 of the Co-operative Societies Act by raising all the contentions, as raised in this writ petition. We are taking consistent view in all the Co-operative Societies Election matters, that the aggrieved parties have to only approach the election Tribunal and file application under Section 90 of the Act and therefore, the petitioner herein is also entitled to file such application before the Tribunal under Section 90 of the said Act.

8.Granted such liberty, this writ petition is disposed of accordingly. The election officers viz., the respondents 6 and 7 are directed to furnish the list of elected candidates to the petitioners within seven days from today. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Secretary,
State Election Commission,
Tamilnadu Cooperative Societies
Election Commission,
Chennai.
 2. The Chair Person,
Committee on Co-operative Societies
Election Cases,
South Zone, Madurai.
 3. The Joint Registrar of Co-operative Society,
Office of the Joint Registrar Co-operative Society,
Sivagangai, Sivagangai.
 4. The Deputy Registrars of Co-operative Society,
Sivagangai, Sivagangai District.
 5. The Secretary, NN.549,
Sakkur Primary Agricultural Co-operative Society,
Sakkur, Sivagangai District.
 6. Tmt.Mooka Bharathi,
Deputy Registrar cum /The District Election Officer,
Sivagangai.
 7. K.Muthu,
Deputy Registrar /The District Election Officer,
Sivagangai.
- + 1 CC TO Mr.K.P.Ramesh, ADVOCATE IN SR No.71488
+ 1 CC TO Mr.G.Rajendran, ADVOCATE IN SR No.71441
+ 1 CC to The Special Government Pleader SR.No.71774

W.P. (MD) No.14269 of 2019

26.06.2019

KS (03.07.2019) 4 P 11 C