



WEB COPY

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) Nos.14358 to 14361 & 14384 of 2019

and

WMP (MD) Nos.10784 to 10791 & 10825 & 10826 of 2019

T.C.S.Selvakumar : Petitioner in W.P. (MD) No.14358 of 2019
S.Sridhar : Petitioner in W.P. (MD) No.14359 of 2019
G.Anand : Petitioner in W.P. (MD) No.14360 of 2019
M.Balasundaram : Petitioner in W.P. (MD) No.14361 of 2019
S.C.Metha : Petitioner in W.P. (MD) No.14384 of 2019

Vs.

- 1.The Election Commissioner,
The Tamil Nadu State Co-operative Societies
Election Commission, No.273, Anna Salai,
Teynampet, Chennai - 600 018.
- 2.The District Election Officer /
Zonal Deputy Registrar, Co-operative Societies,
Thanjavur.
- 3.The Election Officer,
No.8, Nicholson Co-operative Urban Bank,
Thanjavur.
- 4.The Hon'ble Committee,
Committee on Co-operative Election Cases,
East Central Zone, Trichy.
: Respondents in all the writ petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a writ of Certiorari and Mandamus calling for the records pertaining to the order of the Hon'ble Committee dated 16.02.2019 in Petition No.83/2018 delivered on 17.05.2019 and consequential election notification, dated 17.06.2019 published on 18.06.2019 and consequential order of rejection of the third respondent, dated 20.06.2019 and quash the same and subsequently direct the respondents 1 to 3 to conduct the election afresh in respect of the Nicholson Co-op. Urban Bank, Thanjavur.



For Petitioner in all
the Writ Petitions : Mr.J.Anandkumar

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

For R-2 to R-4 : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.V.R.Shanmuganathan
Special Government Pleader

COMMON ORDER

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

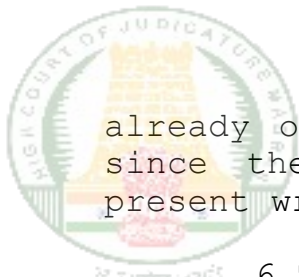
All these writ petitions are filed challenging the order of the fourth respondent, dated 16.02.2019 and the consequential election notification, dated 17.06.2019.

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

3.It is seen that the election to the subject matter Co-operative Society was conducted, wherein one person viz., Mr.S.Virudhachalam, alleged that he was prevented from filing a nomination. Therefore, he filed a Petition No.83 of 2018 before the fourth respondent Committee. The Committee by its order dated 16.02.2019, found that the said person should be given an opportunity to file nomination and consequently, passed an order to conduct the election from the stage of scrutinizing the nomination forms afresh, also by granting permission to the said petitioner to file nomination before the Election Officer. Consequent upon the said order passed by the Committee, the present impugned election notification is issued.

4.The grievance of the petitioners in these writ petitions is that since the Committee has permitted the said S.Virudhachalam to file his nomination, these petitioners should also be permitted to file their nominations while conducting the fresh election and therefore, without accepting the nominations of these petitioners, election cannot be conducted. In other words, it is the contention of the petitioners that the said benefit extended to the said S.Virudhachalam has to be given to these petitioners as well.

5.On the other hand, the learned Additional Advocate General submitted that the Committee has specifically rejected the request made by the said S.Virudhachalam seeking permission also for others to file nomination while fresh election is conducted. He further submitted that the election to the subject matter Society is



already over and the results were declared on 22.06.2019 itself, since there was no contest. Therefore, he submitted that the present writ petition is not maintainable before this Court.

6. There is no dispute of the fact that only one person viz., S. Virudhachalam approached the Committee and filed a petition ventilating his grievance as if he was prevented from filing the nomination. It is seen that the Committee after considering the grievance of such person, has passed an order as early as on 16.02.2019, thereby permitting the said person to file nomination with further direction to the Election Officer to conduct the election thereafter. Admittedly, these petitioners have not approached the Committee or made any objection. On the other hand now they have chosen to file the present writ petitions, that too, after declaration of the results on 22.06.2019.

7. We find that the grievance raised by these petitioners cannot be gone into and decided in these writ petitions, as they have to agitate by way of filing election petition under Section 90 of the Tamil Nadu Co-operative Societies Act, if at all if they have any valid reason to challenge such election.

8. Accordingly, granting such liberty to the petitioners, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

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The Tamil Nadu State Co-operative Societies
Election Commission,
No. 273, Anna Salai,
Teynampet, Chennai - 600 018.

2. The District Election Officer /
Zonal Deputy Registrar, Co-operative Societies,
Thanjavur.

3. The Election Officer,
No. 8, Nicholson Co-operative Urban Bank,
Thanjavur.



4.The Hon'ble Committee,
Committee on Co-operative Election Cases,
East Central Zone, Trichy.

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+5CC TO MR.G.RAJENDRAN, Advocate Sr. No.71442 TO 71446
+1CC TO MR.J.ANANDKUMAR, Advocate Sr. No.71489
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 72180

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TR (09.07.2019) 4P 12C