



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM:

WEB COPY

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

W.P(MD)NO.14440 OF 2019

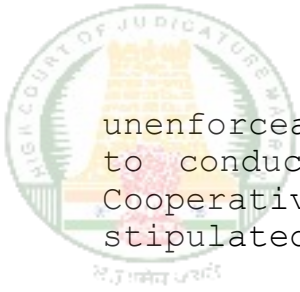
F.Xavier

:Petitioner

.vs.

- 1.The Commissioner,
Election Commission for Tamil Nadu
Cooperative Society,
No.273, Anna Salai,
Thenampet,
Chennai-18.
 - 2.The District Election Officer/
Deputy Directorate of Fisheries Department,
Office of the Ramanathapuram(North),
Ramanathapuram,
Ramanathapuram District - 623 501.
 - 3.T.Sugendrababu,
The President,
FRT-13, Pudhukadu Fisherman Cooperative Society,
Pudhukadu,
Ramanathapuram District.
 - 4.M.Ilayaraja,
Vice-President,
FRT-13, Pudhukadu Fisherman Cooperative Society,
Pudhukadu,
Ramanathapuram District.
 - 5.The Election Officer,
FRT-13, Pudhukadu Fisherman Cooperative Society,
Pudhukadu,
Ramanathapuram District.
- : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of declaration declaring the election to the Pudhukadu Fisherman Cooperative Society conducted by the second respondent pursuant to the Election Notification, dated 2.4.2018 under the Tamil Nadu Cooperative Societies Act, 1983 as unconstitutional, illegal, void,



unenforceable and consequently to direct the respondents 1 and 2 to conduct free and fair election to the Pudhukadu Fisherman Cooperative Society in accordance with law, within the period stipulated by this Court.

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For Petitioner : Mr.E.Mareeskumar
for M/s.Ajmal Associates

For Respondent-1 : Mr.G.Rajendran

For Respondents : Mr.M.Karuppasamy
2 to 5 Govt.Advocate

O R D E R

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

The Petitioner seeks for a declaration to declare the election to the Pudhukadu Fisherman Cooperative Society conducted by the second respondent pursuant to the Election Notification, dated 2.4.2018 under the Tamil Nadu Co-operative Societies Act, 1983, as unconstitutional, illegal, void, unenforceable. Consequently, the Petitioner seeks for a direction to the respondents 1 and 2 to conduct free and fair election to the said society.

2.Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the first respondent and the learned Government Advocate appearing for the respondents 2 to 5.

3.Though this Writ Petition is filed by raising certain grounds questioning the election already conducted by the second respondent to the subject-matter society, We are not inclined to entertain the Writ Petition for the simple reason that there is a remedy available to the Petitioner to approach the concerned authority under Section 90 of the Tamil Nadu Cooperative Societies Act, by raising election dispute. Therefore, without resorting to such remedy, filing a Writ Petition, as has been done in this case, cannot be permitted.

4.Accordingly by granting liberty to work out the remedy under Section 90 of the Tamil Nadu Co-operative Societies Act, this Writ Petition is disposed of accordingly, without expressing any view on the claim made by the Petitioner. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)



- To
1. The Commissioner,
Election Commission for Tamil Nadu
Cooperative Society,
No.273, Anna Salai,
Thenampet,
Chennai-18.
 2. The District Election Officer/
Deputy Directorate of Fisheries Department,
Office of the Ramanathapuram(North),
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Vice-President,
FRT-13, Pudhukadu Fisherman Cooperative Society,
Pudhukadu,
Ramanathapuram District.
 5. The Election Officer,
FRT-13, Pudhukadu Fisherman Cooperative Society,
Pudhukadu,
Ramanathapuram District.

+1CC TO MR.G.RAJENDRAN, Advocate Sr. No.71842
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 72217

ORDER MADE IN
W.P(MD)NO.14440 OF 2019
27.06.2019

PM(CO)
TR (16.07.2019) 3P 8C