



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14567 of 2019

and

WMP (MD) Nos.11019 to 11021 of 2019

M.Ranjith Kumar

: Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Co-operative Societies
Election Commission,
273, Scheme Road, Subbarayan Nagar,
Teynampet, Chennai - 600 018.

2.The Deputy Registrar of Co-operative Societies/
District Election Officer, Kanchirangal,
Sivagangai District.

3.The Secretary,
N.N.628, Nattarasankottai Primary Agricultural
Co-operative Credit Society,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the notification issued by the 2nd respondent dated 25/06/2019 declaring the results of election for the post of office bearers of N.N.628, Nattarasankottai Primary Agricultural Co-operative Credit Society, Sivagangai District as well as his consequential notice dated 25/06/2019 meant for convening the meeting and for electing the President and Vice President of the said society and quash the same and consequently direct the respondents 1 and 2 to hold the election for the aforesaid posts in a free and fair manner by causing a publication of election notification afresh.

For Petitioner

: Mr.R.Anand

For R-1

: Mr.G.Rajendran

For R-2 and R-3

: Mr.V.R.Shanmuganathan

Special Government Pleader

**O R D E R***********

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

This writ petition is filed challenging the declaration of results in respect of the election conducted to Nattarasankottai Primary Agricultural Co-operative Credit Society, Sivagangai District.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.According to the petitioner, the Election Officer has declared the results of the election without considering the fact that there were seven contestants to the general category, however only six persons have been declared to such category. Therefore, it is contended that the declaration of the results is utter disregard to the Rules and Regulations framed for conducting the election. In effect, the grievance of the petitioner is against the conduct of election and the declaration of the results thereon.

4.Needless to say that Section 90 of the Tamil Nadu Co-operative Societies Act, contemplates and empowers the affected person to challenge the election after declaration of the results, before the concerned authority. When such course of avenue is available to the petitioner to challenge the election, this Court is not inclined to entertain the writ petition and hear the matter on merits thereby converting itself as the authority under Section 90 of the said Act. When a procedure is provided to challenge the election under the Tamil Nadu Co-operative Societies Act, only such procedure has to be adopted by the person aggrieved against the process of election or the results made thereon. Therefore, we find that the present writ petition is totally misconceived.

5.Accordingly, this writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner, however, by granting liberty to him, to challenge the same under Section 90 of the Tamil Nadu Co-operative Societies Act. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)



To

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273, Scheme Road, Subbarayan Nagar,
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3.The Secretary,
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Sivagangai District.

+1 CC to M/s.SPL GP (SR-72498[F] dated 01/07/2019)

+2 CC to M/s.R.ANAND, Advocate (SR-72736,72894[F] dated
02/07/2019)

RJ2

W.P. (MD) No.14567 of 2019
28.06.2019

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