



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) Nos 14752 and 14753 of 2019
and
WMP (MD) Nos.11164 and 11165 of 2019

1.G.Pannerselvam

2.B.S.Krishnamoorthy

3.V.Mohan

4.S.Nagarajan

5.K.Rajendran

6.G.Vali

7.M.Uma

: Petitioners in W.P. (MD) No.14752 of 2019

8.S.Selvaraj

9.S.Vairavel

10.V.Mahalingam

11.R.Anadan

12.M.P.Aathamaraman

13.K.P.Rajam

14.S.Kamala

: Petitioners in W.P. (MD) No.14753 of 2019

Vs.

1.The Secretary,
Committee for Co-operative Election Cases,
East Central Zone,
O/o Central Co-operative Bank,
Trichy.



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

3.The District Election Officer /
Assistant Director,
(Handloom and Textile),
Kumbakonam.

: Respondents 1 to 3 in both Writ Petitions

4.Election Officer,
Thirubhuvanam Thiruvalluvar Silk
Co-operative Society,
Thanjavur District.

5.Thirubhuvanam Thiruvalluvar Silk
Co-operative Society,
Rep. by its Managing Director,
Thirubhuvanam,
Thanjavur District.

:Respondents 4 and 5 in W.P.(MD)No.14752/2019

6.Election Officer,
Thirubhuvanam Cholan Silk
Co-operative Society,
Thanjavur District.

7.Thirubhuvanam Cholan Silk Co-operative Society,
Rep. by its Manager,
Thirubhuvanam, Thanjavur District.

:Respondents 4 and 5 in W.P.(MD)No.14753/2019

8.K.Kamban

9.D.Karmegam

10.N.Thulasi

: Respondents 6 to 8 in W.P.(MD)No.14752 of 2019

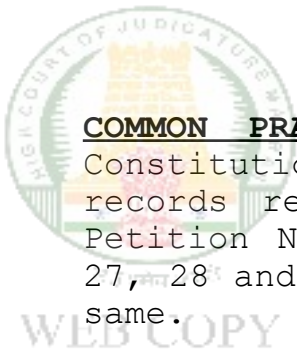
11.C.S.Krishnamoorthy

12..L.N.Venkatraman

13.P.Rajaraman

14.A.Alagappan

15.T.Pandiyan



COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records relating to the proceedings of first respondent made in Petition No.30/2018, 31 and 32 of 2018 and Petition No.7/2018, 8, 27, 28 and 29 of 2018, dated 10.05.2019 respectively, and quash the same.

For Petitioners in
both W.Ps. : Mr.K.Govindarajan

For R-2 in both W.Ps. : Mr.G.Rajendran

For R-1 & R-3 to R-5
in both W.Ps. : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.V.R.Shanmuganathan
Special Government Pleader

C O M M O N O R D E R

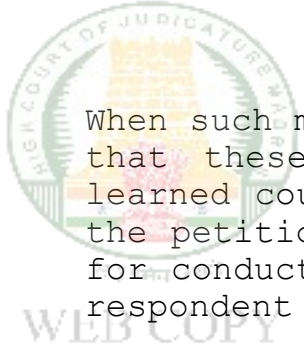
[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

Both the writ petitions are filed challenging the order of the Committee/first respondent, dated 10.05.2019 in respect of election to the Board of Directors of Thirubhuvanam Thiruvalluvar Silk Co-operative Society and Thirubhuvanam Cholan Silk Co-operative Society, respectively.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Advocate General appearing for the official respondents. Since these writ petitions are being disposed of without expressing any view on the merits of the claim made by the petitioners as well as not by passing any adverse order against the private respondents, notice to the private respondents is dispensed with.

3.The petitioners in each writ petition, seek to challenge the order of the first respondent Committee on the reason that re-election ought not to have been ordered at the instance of the petition filed by the petitioners before the Commission. It is stated that in pursuant to the order passed by the first respondent Committee, the election notification is already issued and as per the schedule of the election process, the election has to take place on 22.07.2019 in case of any contest.

4.Since we find that the election process has already commenced in pursuant to the order passed by the first respondent Committee and the election is also going to take place on 22.07.2019, it is for the aggrieved party to approach the authority constituted under Section 90 of the Tamil Nadu Co-operative Societies Act, to challenge the election after declaration of the results.



When such mechanism is available as stated supra, we are of the view that these writ petitions cannot be entertained. No doubt, the learned counsel for the petitioners contended that the grievance of the petitioners in each writ petition is that there is no necessity for conducting the fresh election and the order passed by the first respondent Committee is factually erroneous.

5. We are of the considered view that when the petitioners can challenge the fresh election after declaration of its result, it is always open to them to raise all the grounds as raised in this writ petition and canvass the correctness or otherwise of the conduct of the fresh election and results thereon under Section 90 of the said Act. Therefore, this Court, while exercising the discretionary jurisdiction of Article 226 of the Constitution of India, is not inclined to entertain these writ petitions, that too, after the commencement of the election process. Accordingly, without expressing any view on the merits of the claim made by the petitioners, these writ petitions are disposed of by granting liberty to the petitioners to work out their remedy under Section 90 of the said Act, after declaration of the results. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
Committee for Co-operative Election Cases,
East Central Zone,
O/o. Central Co-operative Bank,
Trichy.
2. The State Tamil Nadu Co-operative Societies,
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(Handloom and Textile),
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4. Election Officer,
Thirubhuvanam Thiruvalluvar Silk
Co-operative Society,
Thanjavur District.



5. The Managing Director,
Thirubhuvanam Thiruvalluvar Silk
Co-operative Society,
Thirubhuvanam,
Thanjavur District.

6. Election Officer,
Thirubhuvanam Cholan Silk
Co-operative Society,
Thanjavur District.

7. The Manager,
Thirubhuvanam Cholan Silk Co-operative Society,
Thirubhuvanam, Thanjavur District.

+1 CC to Mr.K.GOVINDARAJAN, Advocate SR-73104.

+1 CC to SPL GP SR-73194.

+1 CC to Mr.G.RAJENDRAN, Advocate SR-73327.

W.P. (MD) Nos. 14752 & 14753 of 2019
02.07.2019

CS: (09/07/2019) 5P 11C