



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) Nos.15049 to 15053 of 2019

and

WMP (MD) Nos.11572 to 11581 of 2019

A.Jeyapal : Petitioner in W.P. (MD) No.15049 of 2019
N.Gunasekar : Petitioner in W.P. (MD) No.15050 of 2019
T.Kumar : Petitioner in W.P. (MD) No.15051 of 2019
Elangovan : Petitioner in W.P. (MD) No.15052 of 2019
Jothinathan : Petitioner in W.P. (MD) No.15053 of 2019

Vs.

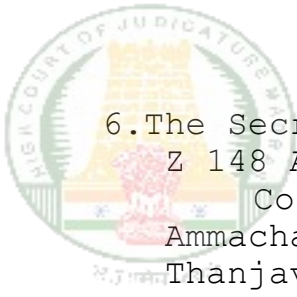
1.The Election Commissioner,
Tamilnadu State Co-operative Societies
Election Commission, Chennai.

2.The Deputy Registrar /
District Election Officer,
Kumbakonam, Thanjavur District.
: Respondents 1 and 2 in all the W.Ps.

3.The Election Officer,
Z 874 Solanadu Primary Agricultural
Co-operative Credit Society,
Patteeswaram, Kumbakonam Taluk,
Thanjavur District.

4.The Secretary,
Z 874 Solanadu Primary Agricultural
Co-operative Credit Society,
Patteeswaram, Kumbakonam Taluk,
Thanjavur District.
: Respondents 3 and 4 in W.P. (MD) No.15049 /2019

5.The Election Officer,
Z 148 Ammachathiram Primary Agricultural
Co-operative Credit Society,
Ammachathiram, Kumbakonam Taluk,
Thanjavur District.



6.The Secretary,
Z 148 Ammachathiram Primary Agricultural
Co-operative Credit Society,
Ammachathiram, Kumbakonam Taluk,
Thanjavur District.

:Respondents 3 and 4 in W.P.(MD)No.15050/2019

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7.The Election Officer,
Z 822 Kalamparam Primary Agricultural
Co-operative Credit Society,
Kovilachery, Kumbakonam Taluk,
Thanjavur District.

8.The Secretary,
Z 822 Kalamparam Primary Agricultural
Co-operative Credit Society,
Kovilachery, Kumbakonam Taluk,
Thanjavur District.

:Respondents 3 and 4 in W.P.(MD)No.15051/2019

9.The Election Officer,
Z 826 Thevananchery Primary Agricultural
Co-operative Credit Society,
Thevananchery Post, Kumbakonam Taluk,
Thanjavur District.

10.The Secretary,
Z 826 Thevananchery Primary Agricultural
Co-operative Credit Society,
Thevananchery Post, Kumbakonam Taluk,
Thanjavur District.

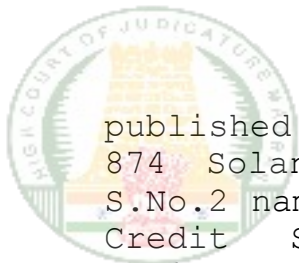
:Respondents 3 and 4 in W.P.(MD)No.15052/2019

11.The Election Officer,
O.K. 878 Chinnakaruppur Primary Agricultural
Co-operative Credit Society,
Koranattukaruppur, Kumbakonam Taluk,
Thanjavur District.

12.The Secretary,
O.K. 878 Chinnakaruppur Primary Agricultural
Co-operative Credit Society,
Koranattukaruppur, Kumbakonam Taluk,
Thanjavur District.

:Respondents 3 and 4 in W.P.(MD)No.15053/2019

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the election notification dated 17.06.2019 and 19.06.2019 issued by the second respondent



published in DINA THANTHI news paper in so far as S.No.1 namely Z 874 Solanadu Primary Agricultural Co-operative Credit Society; S.No.2 namely Z 148 Ammachathiram Primary Agricultural Co-operative Credit Society; S.No.3 namely Z 822 Kalamparam Primary Agricultural Co-operative Credit Society; S.No.4 namely Z 826 Thevananchery Primary Agricultural Co-operative Credit Society and S.No.5 namely O.K. 878 Chinnakaruppur Primary Agricultural Co-operative Credit Society and quash the same and consequently direct the respondents herein to prepare the draft and fair voters list for conduct of the fresh elections in a fair and proper manner in accordance with the directions issued by the Committee, dated 31.01.2019, respectively.

For Petitioners in
all W.Ps. : Mr.K.P.S.Palanivelrajan

For R-1 in all W.Ps. : Mr.G.Rajendran

For R-2 to R-4
in all W.Ps. : 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.**]

In all these writ petitions, the respective writ petitioners challenged the election notification dated 17.06.2019 and 19.06.2019 respectively, issued by the second respondent/Election Officer for conducting election to the subject matter Societies in each writ petition.

2.Heard the learned counsel for the petitioners; the learned counsel for the first respondent and the learned Special Government Pleader, who takes notice for the respondents 2 to 4.

3.It is seen that an election was conducted earlier to the subject matter Societies and the persons aggrieved against rejection of their nominations approached the Committee constituted by this Court and filed their respective petitions challenging the said election. It is further seen that the Committee after considering the submissions made by all the parties passed orders on 31.01.2019 by finding that the rejection of nominations are not proper and therefore, fresh election need to be conducted. Accordingly, the Committee issued directions to the Election Commission to issue necessary direction to the District Election Officer to conduct election in a free and fair manner by appointing a Government servant as Election Officer. Consequent upon the order passed by the Committee, now the fresh election notification is issued which is put to challenge in these writ petitions.



4.The main grievance of the petitioners is that when fresh election is ordered, the voters list also should be published afresh within the time stipulated under the Rules and therefore, without publishing the voters list, the fresh election cannot be conducted. In effect, the grievance of the petitioners is that the election is being conducted without preparing the fresh voters list. Admittedly the dispute before the Committee was against rejection or non acceptance of nomination and not in respect of any discrepancy in the voters list.

5.Even otherwise, we are of the view that the above contentions raised by the petitioners need not be gone into at this stage by this Court, while exercising the discretionary jurisdiction under Article 226 of the Constitution of India, for the simple reason that all these petitioners are entitled to challenge the election after declaration of the results, by resorting to the remedy available under Section 90 of the Tamil Nadu Co-operative Societies Act, by raising all the contentions. Needless to say that the contentions raised in these writ petitions can also be raised by the petitioners, if they are really aggrieved. Therefore, at this stage, this Court is not inclined to entertain these writ petitions, more particularly, when the election process has already commenced and the election is scheduled to take place on 09.07.2019.

6.Accordingly, without expressing any view on the merits of the matter, all these writ petitions are disposed of by granting liberty to the respective petitioners to work out their remedy by filing application under Section 90 of the said Act, challenging the election after the declaration of the results. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

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Thanjavur District.

12.The Secretary,
O.K. 878 Chinnakaruppur Primary Agricultural
Co-operative Credit Society,
Koranattukaruppur, Kumbakonam Taluk,
Thanjavur District.

+1CC TO MR.G.RAJENDRAN, Advocate Sr. No.73328
+3CC TO MR.V.SELVA, Advocate Sr. No.73611
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.73743

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and
WMP (MD) Nos.11572 to 11581 of 2019
04.07.2019

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