



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

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

W.P(MD)NO.15241 OF 2019

and

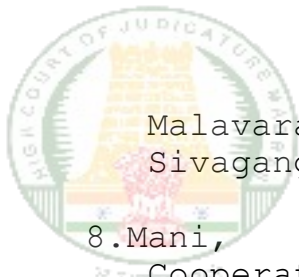
W.M.P(MD)Nos.11771 and 11772 of 2019

J.Geetha Devi

:Petitioner

.vs.

- 1.The Tamil Nadu Co-operative Societies
Election Commissioner,
Tamil Nadu Cooperative Societies Election
Commission,
Anna Salai,
Chennai -600 018.
- 2.The Registrar of Cooperative Societies,
Chennai.
- 3.The Joint Registrar of Cooperative Societies,
Office of the Joint Registrar of Cooperative
Societies, Sivaganga.
- 4.The Deputy Registrar of Cooperative Societies,
Sivaganga.
- 5.The Secretary,
Committee on Cooperative Societies Election Cases,
No.187, North Veli Street,
Opposite to Head Post Office,
Madurai - 625 001.
- 6.The Special Officer,
N.N.294, Malavarayanenthall Primary Agricultural
and Cooperative Society Limited,
Malavarayanenthall,
Sivaganga District.
- 7.The Cooperative Sub Registrar,Sivaganga,
Cum Returning Officer for
N.N.294, Malavarayanenthall Primary Agricultural
and Cooperative Society Limited,



Malavarayanenthall,
Sivaganga.

8.Mani,

Cooperative Sub Registrar, Sivaganga
cum Returning Officer,
N.N.294, Malavarayanenthall Primary Agricultural
and Cooperative Society Limited,
Malavarayanenthall,
Sivaganga.

9.The Superintendent of Police,
Sivaganga District,
Sivaganga.

10.The Inspector of Police,
Thiruppachethi Police Station,
Sivaganga District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the election of N.N.294, Malavarayanenthall Primary Agricultural and Cooperative Credit Society Limited and the list of valid nominations dated 2.7.2019 published by the seventh respondent and to quash the same as illegal against Law and Rules and not in consonance with the directions issued by the fifth respondent Committee dated 30.01.2019 and consequently to direct the first respondent to appoint a fresh Election Officer from the Central Government to conduct the election to N.N.294, Malavarayanenthall Primary Agricultural Cooperative and Credit Society Limited, Sivaganga District and conduct election by deploying Election Observer from the Central Government and direct the 9th respondent to deploy Special Task force to ensure fair and free election by video graphing the entire election process and direct the first respondent to take appropriate actions against the eight respondent for malicious discharge of his official duties as Election Officer preventing the Petitioner and other candidates from participating in the scrutiny of nominations favouring particular candidates and keep him away from the Cooperative Societies election related works forthwith.

For Petitioner

:Mr.A.Kannan

For Respondent-1

:Mr.G.Rajendran.

For Respondents
2 to 7, 9 and 10

:Mr.VR.Shanmuganathan
Special Govt.Pleader



O R D E R

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

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This Writ Petition is filed challenging the notification of the Election Officer, dated 2.7.2019 declaring the list of candidates contesting in the election to the N.N.294, Malavarayanenthal Primary Agricultural and Co-operative Credit Society Limited. In other words, the challenge made in this Writ Petition is against the list of valid nominations of the said election.

2. According to the Petitioner, she and other persons who also filed nominations, have been prevented from participating in the scrutiny process stage itself and therefore, the rejection of the Petitioner's nomination is invalid. The learned counsel for the Petitioner reiterated the contentions raised in the affidavit filed in support of the Writ Petition and thus submitted that the election cannot be permitted to go on, since the Petitioner's nomination was rejected without any reason.

3. Heard both sides.

4. There is no dispute to the fact that in pursuant to the order passed by the Zonal Committee appointed by this Court, fresh election is scheduled and such process of election is going on. If the Petitioner is having any grievance against any one of the process of election, it is always open to her to question the election after declaration of the result, as contemplated under Section 90 of the Tamil Nadu Co-operative Societies Act. When such course of action is available to the Petitioner, We are not inclined to entertain this Writ Petition at this stage, thereby converting ourselves as the authority constituted under Section 90 of the above 'Act'.

5. Therefore, without expressing any view on the merits of the matter, this Writ Petition is disposed of granting liberty to the Petitioner to work out her remedy by filing appropriate application before the competent authority constituted under section 90 of the Tamil Nadu Co-operative Societies Act, challenging the election after declaration of its result. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)



To

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9.The Superintendent of Police,
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Sivaganga.

10.The Inspector of Police,
Thiruppachethi Police Station,
Sivaganga District.

- +1 CC to M/s.A.KANNAN, Advocate (SR-73671[F] dated 05/07/2019)
+1 CC to M/s.G.RAJENDRAN, Advocate (SR-73620[F] dated 05/07/2019)
+1 CC to M/s.SPL GP (SR-73937[F] dated 08/07/2019)

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and
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11772 of 2019
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VSN
KK/SAR/15.07.2019/5P-14C