



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.3073 of 2019

and W.M.P. (MD) Nos.2280 and 2281 of 2019

C.Paramanantham

... Petitioner

-vs-

1.The Commissioner,
Election Commission for Tamil Nadu Co-operative Society,
No.273, Anna Salai,
Thenampet,
Chennai.

2.The District Election Officer/
Deputy Registrar of Co-operative Society,
Lalgudi,
Tiruchirappalli District.

3.The Election Officer/Co-operative Sub Registrar/
Field Officer,
Mannachanallur,
Tiruchirappalli District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the notification issued by the 2nd respondent in his proceedings in Na.Ka.1470/2018/VeSeSa dated 06.02.2019 and quash the same as illegal consequently directing the respondents to conduct election afresh after adhering to the procedure contemplated under the Co-operative Societies Act and also pursuant to the order passed by the Committee dated 23.11.2018, in respect of the TY. Spl.99, Thirumanamedu Primary Agricultural Co-operative Credit Society, Thirumanamedu, Trichy District.

For Petitioner

: Mr.T.Lenin Kumar

For 1st Respondent

: Mr.Palanichamy
Assisted by Mr.G.Rajendran
Standing Counsel

For Respondents 2 & 3

: Mr.P.H.Aravind Pandian,
Additional Advocate General,
Assisted by Mr.R.Bala Ramesh,
Special Government Pleader

**O R D E R**

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition is filed for issuance of a Certiorarified Mandamus to quash the proceedings of the second respondent dated 06.02.2019, and to direct the respondents to conduct election afresh after adhering to the procedure contemplated under the Co-operative Societies Act and Rules.

2.The case of the petitioner is that previously election to TY. Spl.99, Thirumanamedu Primary Agricultural Co-operative Credit Society was challenged by the petitioner before this court and the matter was referred to the Committee Constituted by this Court. The Committee after hearing the petitioner has set aside the election by order dated 23.11.2018, and the first respondent was directed to issue necessary direction to the second respondent to conduct a free and fair election afresh. However, the second respondent issued a notification on 06.02.2019, straightaway for scrutiny of the nomination forms, which were filed earlier pursuant to the election notification, which was issued originally. Hence, the petitioner challenged the election notification dated 06.02.2019 stating that the present notification is contrary to the order passed by the Committee.

3.The learned counsel for the petitioner would submit that when the Committee has directed the second respondent to conduct the election afresh, starting the election from scrutiny of nominations, which were received pursuant to the earlier notification is illegal and unconstitutional.

4.The learned Additional Advocate General appearing for the second respondent submitted that the notification dated 06.02.2019, has been withdrawn and the second respondent has now decided to issue election notification to hold the election afresh for the election of all the 11 members of the Executive Committee.

5.Recording the submissions of the learned Additional Advocate General, this Writ Petition is disposed of with the following direction:

The second respondent is directed to ensure that the fresh election process should be in adherence to the Rules after giving sufficient time to the candidates and in accordance with law. Regarding the conduct of election, the suggestions of the Committee should be followed by the second respondent by video recording the entire election process and also providing police protection. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (W)

/ True Copy /



To

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+1 CC to M/s.G.RAJENDRAN, Advocate (SR-51581[F] dated 05/03/2019)

+1 CC to M/s.T.LENIN KUMAR,Advocate(SR-51794[F] dated 05/03/2019)

W.P. (MD) No.3073 of 2019

04.03.2019

sj

ES/21.03.2019/3P/6C