



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.5649 to 5651 of 2019
and

W.M.P. (MD) Nos.4464 and 4466 of 2019

Mayandi	... Petitioner in WP 5649/19
S.Sankar	... Petitioner in WP 5650/19
S.Saminathan	... Petitioner in WP 5651/19

-vs-

1. The Secretary,
The Hon'ble Special Committee constituted
for Co-operative Societies Election,
East Central Zone, Tiruchirapalli.
2. The Election Commissioner,
Tamilnadu State Co-operative Society,
Annasalai, Chennai - 600 018.
3. The District Election Officer cum Deputy
Registrar of Co-operative Societies,
Kumbakonam Circle. ... R1 to R3 in all petitions
4. The Election Officer,
Ammachathiram Primary Agricultural
Co-operative Credit society,
Thanjavur District. ... R4 in WP 5649/2019
5. The Election Officer,
Kalamparam Primary Agricultural
Co-operative Credit society,
Thanjavur District. ... R4 in WP 5650/2019
6. The Election Officer,
Devanamcheri Primary Agricultural
Co-operative Credit society,
Thanjavur District. ... R4 in WP 5651/19



7. G.Pandiyan
8. D.Neelamegam
9. A.Ramu
10.K.Ramalingam
11.S.Karuppaiah
12.A.Subramani
13.T.Murugesan

... R5and R6 in WP 5649/19

... R5 and R6 in WP 5650/19

... R5 to R7 in WP 5651/19

COMMON PRAYER: Petitions are filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records pertaining to the impugned order dated 31.01.2019 made in Petition Nos.100 and 122 of 2018, 110 and 123 of 2018 and 107, 108 and 127 of 2018 respectively on the file of the first respondent and quash the same.

For Petitioners : Mr.B.Jameel Arasu
For Respondents : Mr.A.K.Baskarapandian, Spl.G.P.
For RR1, 3 and 4
G.Rajendiran, for R2

(in all cases)

O R D E R

[Order of the Court was made by S.S.SUNDAR, J.]

These writ petitions are filed to quash the order dated 31.01.2019 made in Petition Nos.100 and 122 of 2018, 110 and 123 of 2018 and 107, 108 and 127 of 2018 respectively passed by the 1st respondent viz., the Hon'ble Special Committee constituted for Co-operative Societies Election, East Central Zone, Tiruchirapalli.

2.Brief facts, that are necessary for the disposal of these writ petitions, are as follows:

The second respondent issued notification on 12.03.2018 to conduct the elections of various Agricultural Primary Co-operative Credit Societies. The election also was for electing the Office Bearers of the Primary Agricultural Co-operative Credit Societies in Thanjavur District. As per the schedule of elections, it is stated that the petitioners in these writ petitions and 10 others in the respective Societies were duly elected and the lists also were published and declared by the respective fourth respondent on 27.03.2018 and 28.03.2018. However, the election of the three Societies viz., Ammachathiram, Kalamparam and Devanamcheri Primary Agricultural Co-operative Credit Societies was challenged and the matter was referred to the first respondent Committee in petition Nos.100 and 122 of 2018, 110 and 123 of 2018 and 107, 108 and 127 of 2018 respectively. The elections of the said Societies were set aside by the Hon'ble Committee after holding proper enquiry and perusing the records maintained by the Election Officer in each case. The three writ petitions have been filed by the elected candidates whose



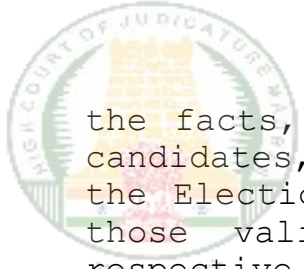
selection have now been set aside by the Hon'ble Committee. The Committee has also directed the Election Officer to conduct a fair election like in other cases dealt with by the Committee. The three orders of the Committee dated 31.01.2019 is under challenge in the present writ petitions.

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3. Sum and Substance, this Court find that the Committee has elaborately considered the grievance of the persons, whose nominations were rejected. The Committee has dealt with each issue with reference to material documents that were maintained by the Election Officer apart from the guidelines issued by notification dated 19.07.2018 to the Election Officer. Even the submission that the said notification dated 19.07.2018 could not have been applied and cannot be considered by the Committee was also dealt with by the Committee by referring the previous circulars and common law principles. The Committee has observed that some of the nomination papers of members were rejected by the Election Officer on the ground that the nominations papers were not filled properly. However, the Committee found that the nomination forms submitted by those members were fully filled and they were proper. Hence, the rejection of nominations of 5 of the members in one Society was found illegal by the committee. Similarly, the nominations of another set of 5 other candidates were rejected on the ground that their respective signatures differed with their earlier signatures. The Committee after going through records and several aspects of the case found that raising a doubt as to the genuineness of the signature was unwarranted at the time of scrutiny of nominations without giving an opportunity to the candidates. The identity of persons whose nominations were rejected is not in dispute. The nomination of several candidates in these Societies have been found to be improperly rejected for trivial reasons or on flimsy grounds.

4. The Committee also examined several other irregularities. For the purpose of these writ petitions, we are convinced that the Committee has rightly set aside the election on the ground that the Election Officer has rejected several nomination papers without applying his mind on flimsy grounds and without following the rules and circulars and the common law principles. This Court has also considered the notification dated 19.07.2018 in an earlier case and held that such guidelines which are evolved on common law principles can be applied while considering election disputes.

5. The learned counsel appearing for the petitioner submitted that the order passed by the Committee is vitiated as no opportunity was given to the petitioners in these writ petitions to defend their case. The issue before the Committee was regarding the improper acceptance or rejection of nomination papers submitted by the candidates. The petitioners are not supposed to know as to why and how several applications were improperly rejected by the Election Officer. In this case, it is also stated that the Election Officer scrutinised the nomination without the presence of candidates. Petitioners do not have first hand information and knowledge about



the facts, which are relevant to consider the issue raised by the candidates, whose nominations were rejected improperly. It is only the Election Officer, who has records and reasons for rejection of those valid nominations. From the records produced by the respective Election Officers, the Committee has rendered findings regarding the irregularities in the election process. Even before this Court, no material is produced by the petitioners to demonstrate that the findings of the Hon'ble Committee are contrary to records.

6. In such circumstances, the contention that the petitioners were not given sufficient opportunity cannot be accepted and cannot be a reason to interfere with the order of the Committee. Even otherwise, the learned Additional Advocate General, on instructions, submitted that the petitioners were represented by an Advocate before the Committee and that the Committee passed orders after hearing them. In such circumstances, we find no merit in the submissions of the learned counsel appearing for the petitioners to interfere with the order of the Hon'ble Committee and this Court find no merit in these writ petitions. The impugned orders of Hon'ble Committee are confirmed.

7. Accordingly, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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+3 CC to M/s.G.RAJENDRAN, Advocate (SR-53012 to 53014[F] dated 11/03/2019)

+1 CC to M/s.SPL GP (SR-53258[F] dated 12/03/2019)

+3 CC to M/s.B.JAMEEL ARASU, Advocate (SR-53331, 53330 & 53326[F] dated 12/03/2019)

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TE : 25/03/2019 : 5P/14C

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