



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.03.2019

CORAM:

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

W.P.(MD) No.5894 of 2019
and W.M.P.(MD) No.4717 of 2019

M.Sathyaseelan

... Petitioner

-vs-

- 1.The Election Commissioner,
Tamil Nadu State Cooperative Societies Election Commission,
No.273, Anna Salai,
Teynampet,
Chennai - 600 018.
 - 2.The Deputy Registrar of Cooperative Societies,
Pudukkottai.
 - 3.The District Election Officer/
Joint Registrar of Cooperative Societies,
Pudukkottai District.
 - 4.The Election Officer,
No.56, Neer Palani Primary Agriculture Cooperative Societies,
Neerpalani Post,
Pudukkottai District.
- ... Respondents

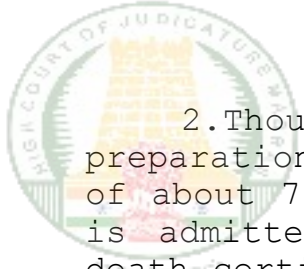
PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th respondent to conduct election to the 56 Primary Agriculturist Co-operative Credit Society, Neerpalani, Viralimalai Taluk, Pudukkottai District by deleting the names of dead persons and rectifying the mistakes by considering the petitioner's objection dated 08.03.2019.

For Petitioner	:	Mr.P.Ganapathi Subramanian
For 1 st Respondent	:	Mr.G.Rajendran
For Respondents 2 to 4	:	Mr.A.K.Baskara Pandian Special Government Pleader

O R D E R

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

This writ petition has been filed for issuance of a Writ of Mandamus, directing the 4th respondent to conduct election to the 56 Primary Agriculturist Co-operative Credit Society, Neerpalani, Viralimalai Taluk, Pudukkottai District by deleting the names of dead persons and rectifying the mistakes by considering the petitioner's objection dated 08.03.2019.



2. Though the petitioner has alleged some irregularities in preparation of voters list, his prime concern is about the inclusion of about 700 names of dead persons in the voters list. However, it is admitted that the petitioner is in the process of collecting death certificates of several persons and that he has proof to show the inclusion of only a few dead persons. It is also admitted that the election notification was published on 01.03.2019; voters list was published on 09.03.2019; the filing of nominations starts from 14.03.2019 and the election is scheduled on 20.03.2019. Hence, it is not possible either for the petitioner to come with a definite case with regard to inclusion of dead persons or the officials to complete the verification of the voters, considering the objections of the petitioner and other members, before the election. It is also relevant to point out that the respondents have taken a stand that they would permit the voters to vote only after showing the photo identity cards.

3. It is in these circumstances, this Court is disposing of this writ petition with the following directions:

(i) The election as scheduled can go on without modification of the voters list, as published as such.

(ii) Voters should be permitted to cast their votes on production of photo-identity cards and the entire process of election shall be video-graphed by the Election Officer.

(iii) It is open to the Election Officer to get police protection, in case, it is required at the time of conducting election.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-I)

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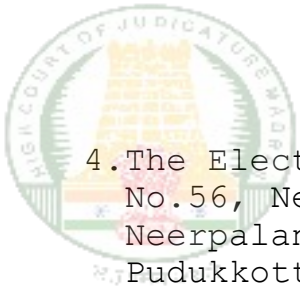
Sub Assistant Registrar

To

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Pudukkottai.

3. The District Election Officer/
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4.The Election Officer,
No.56, Neer Palani Primary Agriculture Cooperative Societies,
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Pudukkottai District.

+1. C.C. to M/S.G.Rajendran, Advocate SR.No. 53852
+1 cc to Special Government Pleader, SR.No. 53964

W.P.(MD) No.5894 of 2019
13.03.2019

SJ
JM/04.04.2019/3P/7C