

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 19.03.2019

CORAM :

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

W.P(MD)No.6445 of 2019
and W.M.P.(MD) Nos.5149 & 5150 of 2019

Liyakath Ali

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. By the Principal Secretary to the Government
Cooperation, Food and Consumer Protection Department
Fort. St. George,
Chennai 600 009
2. The Election Commission,
Tamil Nadu State Cooperative Societies,
Rep. By its Secretary
No.273 Kamadenu Super Market,
1 Floor, Anna Salai
Chennai. 600 018
3. The Registrar of Cooperative Societies,
Chepet, Chennai. 600 010
4. The District Election Officer/Deputy Registrar
Tamil Nadu State Cooperative Societies,
Aranthangi Circle,
Pudukottai.
5. The Election Officer,
Sub Registrar,
Thiruvarakulam Cooperative Society, Aranthangi
Pudukottai District.
6. The Secretary,
T.A.71 Mimisal Primary Agricultural Cooperative Credit Society,
Mimisal,
Pudukottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned election notification in Na.Ka.No.1027/2018 A3, dated 01.03.2019 issued by the 4th respondent



herein by way of proceedings in pursuant to the T.A.71 Mimisal Primary Agricultural Cooperative Credit Society and quash the same as illegal and consequently direct the 1 to 4 respondents herein to issue fresh Notification and to conduct the election in a fair manner following the procedures of law, pursuant to the T.A.71 Mimisal Primary Agricultural Cooperative Credit Society, Pudukottai.

For Petitioner : Mr.M.Eswaran
 For Respondents : Mr.K.Chellapandian
 Additional Advocate General assisted by
 Mr.A.K.Baskarapandian for R1, R3 to R6
 Special Government Pleader
 Mr.G.Rajendiran for R2
 Additional Government Pleader

O R D E R

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

This Writ Petition has been filed challenging the election notification dated 01.03.2019 issued by the 4th respondent herein for T.A.71 Mimisal Primary Agricultural Cooperative Credit Society and for a consequential direction to the respondents 1 to 4 to issue fresh Notification and to conduct the election in a fair manner following the procedures of law.

2.The petitioner herein is a member of the 6th respondent Society. The election notice now published under Rule 52 of the Tamil Nadu Cooperative Societies Rules contains the schedule of election and the fifth respondent was appointed as Election Officer. As per this notification, dated 25.02.2019 the date for publishing the voters list was on 04.03.2019. The date fixed for finalisation of voters list was on 06.03.2019. The date of receipt of nomination was fixed on 14.03.2019 and the scrutiny of nominations was fixed on 15.03.2019. The grievance of the petitioner in this writ petition is that the voters list was not published so as to confirm, whether the voters list was prepared as per the bye-laws of the Society. It is also stated by the petitioner that the Election Officer was not present on the date fixed for scrutiny of nomination and that the list of eligible candidates was not published. Hence the petitioner is before this Court with this writ petition.

3.The learned Additional Advocate General, on instructions, submitted that the election was postponed due to administrative reasons and that there was no scrutiny of nomination, as it was scheduled as per the original notification. In the notification that was published postponing the election, it was mentioned that the future date of election will be notified. Accordingly, a fresh notice has also been issued showing the change of schedule. As per the subsequent notification dated 15.03.2019, nominations should be



filed by the eligible candidates on or before 22.03.2019 and that the scrutiny of nomination and the publication of list of eligible candidates would be on 23.03.2019.

4. It is in these circumstances, the learned counsel for the petitioner states that the writ petition may be disposed of with a further direction to the election officer to scrutinize the nominations in the presence of the candidates, who have submitted nominations and to ensure the process of scrutiny of nominations being videographed by the fifth respondent.

5. Having regard to the grievance expressed by the petitioner and the subsequent developments, by which, fresh notification has been issued, the writ petition is disposed of with the following directions:

(i) The Election Officer, namely, the fifth respondent is directed to consider the nominations submitted before him as per the present notification in the presence of candidates, who have submitted nominations;

(ii) The fifth respondent shall also provide facilities so as to ensure that the scrutiny of nominations is videographed in entirety to avoid any malpractice.

No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The State of Tamil Nadu,
Rep. By the Principal Secretary to the Government
Cooperation, Food and Consumer Protection Department
Fort. St. George,
Chennai 600 009

2. The Election Commission,
Tamil Nadu State Cooperative Societies,
Rep. By its Secretary
No.273 Kamadenu Super Market,
1 Floor, Anna Salai
Chennai. 600 018

3. The Registrar of Cooperative Societies,
Chepet, Chennai. 600 010



4. The District Election Officer/Deputy Registrar
Tamil Nadu State Cooperative Societies,
Aranthangi Circle,
Pudukottai.

5. The Election Officer,
Sub Registrar,
Thiruvarakulam Cooperative Society, Aranthangi
Pudukottai District.

+1cc to Mr.M.Eswaran, Advocate, SR.No. 55063

+1cc to M/s.Special Government Pleader, SR.No. 55424

W.P(MD)No.6445 of 2019
and W.M.P. (MD) Nos.5149 & 5150 of 2019

19.03.2019

RR

KK/SAR/05.04.2019/ 4P- 8C