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

**DATED : 22.03.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN**

**and**

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

**W.P. (MD) No.6763 of 2019**

**and**

**W.M.P. (MD) Nos. and 5401 and 5441 of 2019**

K.Vellaiyan

... Petitioner

-vs-

1.The Tamilnadu State Co-operative  
Election Commission  
represented by its Commissioner  
No.273, Anna Salai, Teynampet,  
Chennai - 18.

2.The Registrar/State Election Officer,  
Co-operative Societies,  
170, EVR Road, Dr.Radhakrishnan Nagar,  
Chennai - 600 006.

3.The Joint Registrar of Co-operative Societies,  
Trichy Region,  
Multi Storied Building,  
Kajamalai, Trichy - 20.

4.The Deputy Registrar/District Election Officer,  
Co-operative Societies,  
Multi Storied Building,  
Kajamalai, Trichy - 20.

5.The Managing Director,  
Trichy District Central Co-operative Bank Ltd.,  
Trichy.

... Respondents

PRAYER: Petition is are filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for records relating to the impugned election notification of 1<sup>st</sup> respondent vide proceeding Na.Ka.No.6657/2018/Koo.The.1, dated 19.02.2019 pertaining to the Co-operative election to Trichy District Central Co-operative Bank and consequential phase-III election notification issued by the 4<sup>th</sup> respondent dated 20.02.2019 which published in Dinamalar daily newspaper on 21.02.2019, in so

far it relates to reservation of four seats commonly reserved for SC/ST in the phase-III election of Trichy District Central Co-operative Bank Ltd., Trichy and quash the same as illegal, arbitrary and unconstitutional, consequentially directing the respondents to reserve one exclusive seat for M.35, Pachamalai Hills Scheduled Tribes Large Area Multipurpose Cooperative Society, at Meil Shenkattupatti, Thuraiyur Taluk, Trichy District, in short LAMP society in the phase-III election of Trichy District Central Co-operative Bank, Trichy instead of reserving four seats commonly for SC/ST within the stipulated time to be fixed by this Court.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.G.Rajendran, for R1  
Mr.A.K.Baskarapandian, Spl G.P.  
For RR2 to 4  
Mr.D.Shanmugaraja Sethupathy for R5

### **O R D E R**

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

This writ petition has been filed to issue a writ of Certiorarified Mandamus, calling for records relating to the impugned election notification of 1<sup>st</sup> respondent vide proceeding Na.Ka.No.6657/2018/Koo.The.1, dated 19.02.2019 pertaining to the Co-operative election to Trichy District Central Co-operative Bank and consequential phase-III election notification issued by the 4<sup>th</sup> respondent dated 20.02.2019 which was published in Dinamalar daily newspaper on 21.02.2019, in so far it relates to reservation of four seats commonly reserved for SC/ST in the phase-III election of Trichy District Central Co-operative Bank Ltd., Trichy and quash the same as illegal, arbitrary and unconstitutional, consequentially directing the respondents to reserve one exclusive seat for M.35, Pachamalai Hills Scheduled Tribes Large Area Multipurpose Cooperative Society, at Meil Shenkattupatti, Thuraiyur Taluk, Trichy District, in short LAMP society in the phase-III election of Trichy District Central Co-operative Bank, Trichy instead of reserving four seats commonly for SC/ST within the stipulated time to be fixed by this Court.

2.The petitioner is one of the elected Board of Directors of Y.M.35, Pachamalai Hills Scheduled Tribes Large Area Kultipurpose Co-operative Society, at Meil Shenkattupatti. The 4<sup>th</sup> respondent issued an election notification on 20.02.2019 for phase-III election of Trichy District Central Co-operative Bank, which is also published in Dinamalar daily newspaper on 21.02.2019. The petitioner challenges the impugned notification of the 1<sup>st</sup> respondent dated 19.02.2019 and the subsequent notification of the 4<sup>th</sup> respondent dated 20.02.2019, since there is no specific reservation for Scheduled Tribes and that no one from the Scheduled Tribe category is likely to be elected in phase III election of



Central Co-operative Bank. Though petitioner is one of the Directors of one of the 22 LAMP Societies, it is admitted that another person who was elected as President in representing the LAMP Society.

3.The case of the petitioner is that there are 22 Societies in Hill areas and that no Scheduled Tribe candidate representing any one of the Societies (LAMP Society) to cast phase III election of TDCCB (Trichy District Central Co-operative Bank).

4.The contention of the learned counsel for the petitioner is that there should be separate reservation for Scheduled Tribes so that there will be one candidate representing the Scheduled Tribes. However, on that score, the election process cannot be challenged. Unless the petitioner gets reservation to the post of President in LAMP Society, it is not possible to seek reservation to be entitled to vote or to be elected in Phase III.

5.The learned counsel for the petitioner submitted that the nominations from 21 persons from Ruling party alone were accepted in Phase III. The petitioner is not a person who can cast his vote or contest. Hence, he has no locus standi. There was no challenge to the phase I and phase II election by any one of the candidates.

6.Under these circumstances, this Court cannot entertain this writ petition challenging the election notification for phase III on the ground that the I and II phase of election was conducted without reserving a specific seat for Scheduled Tribe. Therefore, this writ petition is dismissed. It is open to the petitioner to give a representation to the State, so that, in future, the grievance of the petitioner can be addressed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

Arul

To

1.The Commissioner,  
T.N.State Co-Operative Election Commission,  
No.273, Anna Salai, Teynampet,  
Chennai 18.



2.The Registrar/State Election Officer,  
Co-operative Societies,  
170, EVR Road, Dr.Radhakrishnan Nagar,  
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3.The Joint Registrar of Co-operative Societies,  
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4.The Deputy Registrar/District Election Officer,  
Co-operative Societies,  
Multi Storied Building,  
Kajamalai, Trichy - 20.

+1CC TO MR.S.BALAMURUGAN, Advocate Sr. No.56085  
+1CC TO MR.G.RAJENDRAN, Advocate Sr. No. 46084  
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 56604

**W.P.(MD) No.6763 of 2019**

**and**

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**22.03.2019**

TR (04.04.2019) 4P 8C