



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.6986 of 2019

C.Rajasekaran

... Petitioner

-vs-

- 1.The Election Commission,
Tamil Nadu State Co-operative Societies,
rep. by its Secretary,
No.273, Kamathenu Super Market,
Annasalai, Chennai - 18.
- 2.The Election Officer/returning Officer,
M.D.Special 55 Anumanathanpatti Primary
Agricultural Cooperative Credit Society,
Anumanthampatti, Theni District.
- 3.The Special Officer,
M.D.Special 55, Anumanathanpatti Primary
Agricultural Cooperative Credit Society,
Anumanthampatti,
Theni District.

... Respondents

PRAYER: Petition is are filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents No.1 and 2 to conduct a free and fair election for electing the board of members of M.D.Special 55, Anumanathanpatti Primary Agricultural Cooperative Credit Society, Anumanthampatti, Theni District by accepting the petitioner's nomination dated 30.04.2018 within a time as stipulated by this Court.

For Petitioner: Mr.R.Murugappan for Mr.P.Gunasekaran

For Respondents: Mr.G.Rajendran, for R1

Mr.K.Chellapandian, AAG assist by

Mr.A.K.Baskarapandian, Spl.G.P.

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 respondents No.1 and 2 to conduct a free and fair election for electing the board of members of M.D.Special 55, Anumanathanpatti Primary Agricultural Cooperative Credit Society, Anumanthampatti, Theni District by accepting the

petitioner's nomination dated 30.04.2018.

2.The petitioner states that he is a member of the third respondent Society. Pursuant to the election notification that was issued in April 2018, the petitioner submitted his nominations on 30.04.2018 to contest in the election for the post of Board of Directors. As per the notification, withdrawal of the nomination was fixed on 03.05.2018. It is the case of the petitioner that the second respondent, the Election Officer did not even attend the office and therefore, he could not have processed the nomination papers on that date fixed for scrutiny of nomination. Despite several representations being made by the petitioner in this regard to know about the stage of the election, there was no reply. Hence, the present writ petition has been filed.

3.The learned Additional Advocate General, on instructions, submitted that the election of Board of Directors was declared on 07.08.2018 and the election of President was also over on 11.08.18. It is further stated that the declaration of result was delayed in view of the interim direction of the Hon'ble Supreme Court.

4.Since the election has been declared, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. It is open to the petitioner to file an election petition by raising a dispute under Section 90 of the Tamil Nadu Co-operative Societies Act in the manner known to law. No costs.

Sd/-

Assistant Registrar

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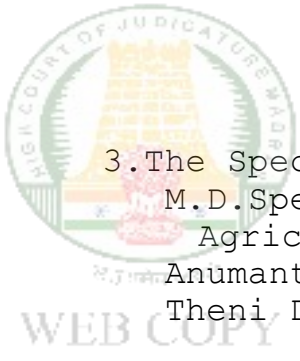
Sub Assistant Registrar(CS)

Arul

To

1.The Secretary, Election Commission,
Tamil Nadu State Co-operative Societies,
No.273, Kamathenu Super Market,
Annasalai, Chennai - 18.

2.The Election Officer/returning Officer,
M.D.Special 55 Anumanahantanpatti Primary
Agricultural Cooperative Credit Society,
Anumanthampatti,
Theni District.



3.The Special Officer,
M.D.Special 55, Anumanathanpatti Primary
Agricultural Cooperative Credit Society,
Anumanthampatti,
Theni District.

+1CC TO MR.R.RAJENDRAN, Advocate Sr. No. 56686
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 57557

W.P. (MD) No.6986 of 2019
26.03.2019

TR (06.04.2019) 3P 6C