



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.1179 of 2019

and

W.M.P. (MD) Nos.2855; 986 and 987 of 2019

R.Balamurugan

: Petitioner

Vs.

1. The Election Commissioner,  
Tamil Nadu Co-operative Society  
Elections,  
Thenampet, Chennai - 600 018.

2. The Registrar of Co-operative Societies,  
Kilpauk, Chennai 600 010.

3. The Joint Registrar,  
Co-operative Societies,  
Tuticorin.

4. The District Election Officer/  
Co-operative Societies Elections/  
The Deputy Registrar of Co-operative Societies,  
Tuticorin.

5. The Electoral Officer,  
Tuticorin District Central Co-operative Bank,  
Tuticorin.

: Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records related to the impugned electoral notification, dated 19.01.2019, issued by the 5th respondent and quash the same and consequently direct the respondents to consider my representation, dated 19.01.2019, in accordance with Tamil Nadu Co-operative Society Act and Rules.

For Petitioner : Mr.C.D.Johnson

For R-1 : MR.M.S.Palanisamy,  
Standing Counsel Asst. By  
Mr.G.Rajendran

For R-2 to R-5 : Mr.K.Chellapandian  
Additional Advocate General  
assisted by  
Mr.R.Balaramesh  
Special Government Pleader

**O R D E R**

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

The petitioner is aggrieved against the election notification, dated 19.01.2019 issued by the fifth respondent and consequently seeks for a direction to the respondents to consider his representation dated 19.01.2019.

2.Heard both sides.

3.The petitioner seeks to challenge the election notification by contending that voter list was not properly prepared and it has some defects, such as some 54 Societies are not placed in the final voter list and 29 Societies having some due in deposit guarantee in fund are included in the final voter list etc. In effect, the petitioner seeks to challenge the election process after its commencement.

4.We have already taken a view that once an election process has commenced, the party aggrieved against any of such process is not entitled to question the same by way of writ petition and the remedy left open to him is to file a petition under Section 90 of the Tamil Nadu Co-operative Societies Act, after the declaration of the results, as contemplated under the said Provision itself. Therefore, we find that the present writ petition is not maintainable. However, we grant liberty to the petitioner to work out his remedy after the declaration of the results of the subject matter Co-operative Society by filing appropriate petition under Section 90 of the said Act.

5.With the above observations, this writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner. Interim order granted, if any, stands vacated. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS )

To

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Tuticorin.

+1 CC to Mr.C.D.JOHNSON, Advocate ( SR-75258[F] dated 15/07/2019 )

+1 CC to Mr.G.RAJENDRAN, Advocate ( SR-75366[F] dated 16/07/2019 )

**W.P. (MD) No.1179 of 2019**

**15.07.2019**

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MK (24.07.2019) 3P 8C