



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.07.2019
CORAM:
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

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and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.1189 of 2019

and

W.M.P. (MD) Nos.2857; 1006 and 1007 of 2019

Sugel Anandh

: Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by the Principal Secretary to the Government,
Co-operation, Food and Consumer Protection Department,
Fort St.George, Chennai - 600 009.
2. The Election commission
Tamilnadu State Co-operative Societies
rep.by its Secretary, No.273, Kamadenu Super
Market, I floor, Anna Salai, Chennai-18.
3. The Registrar of co-operative Societies,
Chetpet, Chennai 600 010.
4. The Joint Registrar of Co-operative Societies,
Nagercoil, Kanyakumari District.
5. The District Election Officer/Deputy Registrar,
Tamil Nadu State Co-Operative Societies,
Nagercoil, Kanyakumari District.
6. The Election Officer,
Y-11, Kanyakumari District Central Co-operative bank
Nagercoil, Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the Impugned Election Notification, dated 10/01/2019, issued by the 5th respondent herein as Phase-III by way of Paper Publication in pursuant to the Y-11 Kanyakumari District Central Co-operative Bank, Nagercoil and quash the same as illegal.



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For Petitioner : Mr.N.Anandakumar

For R-2 : Mr.M.S.Panisamy
assisted by
Mr.G.Rajendran

For R1 & R3 to R6 : Mr.K.Chellapandian
Additional Advocate General
assisted by
Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

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

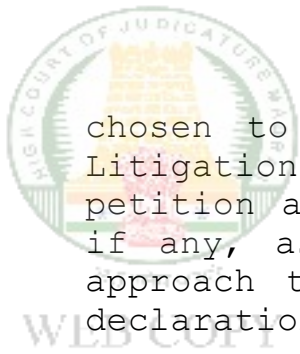
This writ petition is filed by way of Public Interest Litigation challenging the election notification, dated 10.01.2019, issued by the fifth respondent for conducting election to Y-11 Kanyakumari District Central Co-operative Bank, Nagercoil.

2.Heard both sides.

3.According to the petitioner, the election notification issued for conducting election to the District Central Co-operative Bank, is illegal, since around 20 primary Co-operative Societies election results were not declared due to election disputes.

4.The learned Additional Advocate General submitted that there are 476 primary co-operative societies, out of which, 122 Societies were liquidated and election to 341 Societies was over and for only 13 Societies' election is pending. He further submitted that merely because some of the primary co-operative societies election have not been conducted, that cannot stall the election to the District Co-operative Societies.

5.First of all, the present writ petition, filed against the election notification, cannot be entertained mainly on the reason that once the election process has commenced by issuing the election notification, the same cannot be interfered with, as the aggrieved person has an effective remedy to approach the authority constituted under Section 90 of the Tamil Nadu Co-operative Societies Act, by filing appropriate application challenging the election, after the declaration of its results. When such avenue is available to the aggrieved party, if any, is entitled to do so under Section 90 of the said Act. In this case, admittedly, the petitioner is not a member of any Co-operative Society and he has



chosen to file the present writ petition as a Public Interest Litigation. Therefore, we are not inclined to entertain this writ petition any further, however, by observing that aggrieved party, if any, as against the subject matter election, is entitled to approach the Tribunal by raising all the contentions, after the declaration of results.

6.This Writ petition is disposed of accordingly. Interim order granted, if any, stands vacated. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Principal Secretary to the Government,
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Co-operation, Food and Consumer Protection Department,
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2.The Election commission
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6.The Election Officer,
Y-11, Kanyakumari District Central Co-operative bank
Nagercoil, Kanyakumari District.

+1cc to Mr.G.Rajendran, Advocate in CA SR.No.75363/19

+1CC to Mr.N.Anandakumar, Advocate in CA SR.75566/19

rj2