



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition(MD)No.12341 of 2019

and

W.M.P(MD)No.9227 of 2019

Sivasamy

... petitioner

Vs.

- 1.The State Election Commission,
Tamil Nadu Cooperative Societies Election Commission,
Chennai rep. by
Secretary.
- 2.The Chairperson,
Committee on Co-operative Societies Election Cases,
South Zone,
Madurai.
- 3.The Joint Registrar of Co-operative Society,
Office of the Joint Registrar of Co-operative Societies,
Sivagangai,
Sivagangai.
- 4.The Deputy Registrar of Co-operative Society,
Sivagangai,
Sivagangai District.
- 5.The Secretary,
NN.549,
Sakkur Primary Agricultural Co-operative Society,
Sakkur,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the second respondent herein in PROC.No.0011SJC/H/2018 (128) dated 09.04.2019 and quash the same.

For Petitioner	: Mr.K.P.Ramesh
For Respondents	: Mr.V.R.Shanmuganathan
	Spl. Govt. Pleader
	(for R2 to R5)
	Mr.G.Rajendran (for R1)

**O R D E R**

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

This writ petition is filed challenging the order of the second respondent Committee, dated 09.04.2019, wherein and whereby the committee rejected the petition filed by the petitioner. The said petition was filed before the Committee challenging the rejection of the nomination filed by the petitioner in respect of the election to the subject matter co-operative society.

2.Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 2 to 5 and the learned Standing Counsel appearing for the first respondent.

3.The grievance of the petitioner before this Court is that the second respondent committee is not justified in dismissing the petition filed by him challenging the rejection of the nomination.

4.Though the learned counsel for the petitioner vehemently contended that this Court can entertain this writ petition and decide the matter on merits, we are not inclined to accept the above contention, for the simple reason that we are taking a consistent view that in respect of co-operative election cases, the aggrieved party must only approach the authority constituted under Section 90 of the Co-operative Societies Act, by filing appropriate petition, that too after declaration of the results. If the petitioner is aggrieved against the rejection of the nomination, it is always open to him to challenge the election once such results are declared. Therefore, without expressing any view on the merits of the claim made by the petitioner as well as the reasons stated in the impugned order, this writ petition is disposed of by granting liberty to the petitioner to work out his remedy by filing appropriate application under Section 90 of the Co-operative Societies Act, within a period of two weeks from the date of receipt of a copy of this order, as it is stated that the results are already declared. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary,

State Election Commission,

<https://hcservices.ecourts.gov.in/hcservices/>

Tamil Nadu Cooperative Societies Election Commission,
Chennai.



2.The Chairperson,
Committee on Co-operative Societies Election Cases,
South Zone,
Madurai.

3.The Joint Registrar of Co-operative Society,
Office of the Joint Registrar of Co-operative Societies,
Sivagangai,
Sivagangai.

4.The Deputy Registrar of Co-operative Society,
Sivagangai,
Sivagangai District.

5.The Secretary,
NN.549,
Sakkur Primary Agricultural Co-operative Society,
Sakkur, Sivagangai District.

+1 CC to M/s.AJMALASSOCIATES, Advocate (SR-82766[F] dated
21/08/2019)

+1 CC to Mr.G. RAJENDRAN, Advocate (SR-82970[F] dated 22/08/2019)

+1 CC to SPL GP (SR-82855[F] dated 21/08/2019)

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