



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD) NOS.13825 and 13826 OF 2019

and

W.M.P(MD) Nos.10344 and 10345 of 2019

W.P(MD) NO.13825 OF 2019

V.Radhakrishnan

:Petitioner

.vs.

1.The Committee on Cooperative Election Cases,
East Central Zone,
Trichirappalli,
represented by its Secretary.

2.C.Chinna Kumar

3.The State Tamil Nadu Cooperative Societies
Election Commissioner,
No.273, Kamadhenu Supermarket,
Anna Salai, Chennai - 600 018.

4.The District Election Officer/
The Deputy Registrar of Cooperative Societies,
Nagapattinam Circle.

5.The Election Officer,
Ayakaranpulam Primary Agricultural Cooperative
Credit Society, Nagapattinam District.

6.OM-221, Ayakaranpulam Primary Agricultural
Cooperative Credit Society,
represented by its Secretary,
Nagapattinam District.

: Respondents

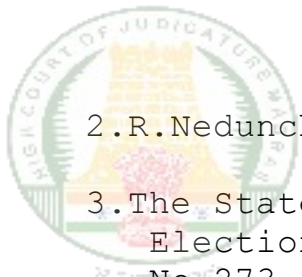
W.P(MD) NO.13826 OF 2019

A.Anbukarasi

:Petitioner

.vs.

1.The Committee on Cooperative Election Cases,
East Central Zone,
Trichirappalli,
represented by its Secretary.



2.R.Neduncheliyan

3.The State Tamil Nadu Cooperative Societies
Election Commissioner,
No.273, Kamadhenu Supermarket,
Anna Salai,
Chennai - 600 018.

4.The District Election Officer/
The Deputy Registrar of Cooperative Societies,
Nagapattinam Circle.

5.The Election Officer,
Katharipulam Primary Agricultural Cooperative
Credit Society,
Nagapattinam District.

6.Z-272, Katharipulam Primary Agricultural
Cooperative Credit Society,
represented by its Secretary,
Nagapattinam District.

: Respondents

PRAYER in W.P(MD)No.13825 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent dated 22.02.2019 in Petition No.15 of 2018 and to quash the same.

PRAYER in W.P(MD)No.13826 of 2019: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order passed by the first respondent dated 04.04.2019 in Petition No.121 of 2018 and to quash the same.

W.P(MD)NOs.13825 and 13826 OF 2019

For Petitioner	:Mr.D.Srinivasaraghavan
For Respondent-1	:Mr.G.Rajendran
For Respondents 3 to 6	:Mr.VR.Shanmuganathan Special Govt. Pleader

COMMON ORDER

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

Both these Writ Petitions are filed challenging the order of the first respondent/Committee, wherein and whereby a direction was issued to the Election Commission to issue necessary direction



to the Election Officer to conduct election in a fair and free manner to the subject-matter society by appointing a Government Servant as Election Officer.

2. The Writ Petitioners are aggrieved against the said order on the reason that the first respondent/Committee did not consider the fact that the elected office bearers are already functioning in the office of the subject-matter society and therefore, re-election ought not to have been ordered.

3. We have gone through the order passed by the Election Commission. The first respondent/Committee considered that rejection of nominations of certain persons was not proper and the reason for rejection of those nominations are also not sustainable. Therefore, the first respondent/Committee only directed fresh election to be conducted from the stage of scrutiny of the available nominations by appointing a Government Servant as Election Officer.

4. When such being the finding rendered by the first respondent/Committee, we find that the Petitioner in both the Writ Petitions cannot be said as aggrieved against the said order, as these Petitioners, if they filed their nominations, they are already entitled to be considered at the time of scrutiny. Therefore, We find that the present Writ Petitions filed against the said orders of the first respondent/Committee cannot be incorrect, even otherwise if the Petitioners are still having some grievance either against the process of election or against the declaration of results, it is always open to them to challenge the election after declaration of the results, by resorting to the procedure contemplated under Section 90 of the Tamil Nadu Co-operative Societies Act.

5. Therefore, these Writ Petitions are disposed of, granting liberty to the Petitioners to work out their remedy by filing appropriate application before the Tribunal under Section 90 of the Tamil Nadu Co-operative Societies Act, if they are having any grievance, after declaration of the results. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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Sub Assistant Registrar (CS)



To

1. The Secretary,
Committee on Cooperative Election Cases,
East Central Zone,
Trichirappalli,
2. The Election Commissioner,
State Tamil Nadu Cooperative Societies,
No.273, Kamadhenu Supermarket,
Anna Salai,
Chennai - 600 018.
3. The District Election Officer/
The Deputy Registrar of Cooperative Societies,
Nagapattinam Circle.
4. The Election Officer,
Ayakaranpulam Primary Agricultural Cooperative
Credit Society,
Nagapattinam District.
5. The Secretary,
OM-221, Ayakaranpulam Primary Agricultural
Cooperative Credit Society,
Nagapattinam District.
6. The Election Officer,
Katharipulam Primary Agricultural Cooperative
Credit Society,
Nagapattinam District.
7. The Secretary,
Z-272, Katharipulam Primary Agricultural
Cooperative Credit Society,
Nagapattinam District.

+2 CC to Mr.D.SRINIVASARAGAVAN, Advocate SR-78130.

+1 CC to Mr.G.RAJENDRAN, Advocate SR-78165.

+1 CC to SPL GP SR-78270.

COMMON ORDER MADE IN
W.P(MD)Nos.13825 and
13826 OF 2019
and
W.M.P(MD)Nos.10344 and
10345 of 2019
26.07.2019