



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P (MD) NO.15139 OF 2019

and

W.M.P (MD) Nos.11641 and 11642 of 2019

B.Usha Nandhini

:Petitioner

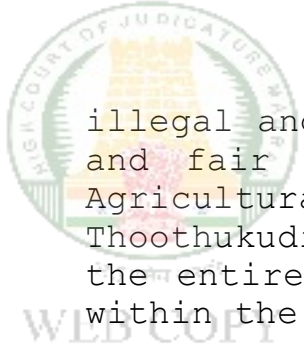
.vs.

- 1.The Commissioner,
Election Commission for Tamil Nadu
Cooperative Society,
273, Anna Salai,
Thenampet,
Chennai.
- 2.The District Election Officer/Deputy
Registrar of Cooperative Society,
Office of the Deputy Registrar Office,
Kovilpatti,
Thoothukudi district.
- 3.The Election Officer,
O.642, Melanambipuram Primary Agricultural
Cooperative Credit Society,
Ettayapuram Taluk,
Thoothukudi District.
- 4.S.Murugan,
Election Officer,
O.642, Melanambipuram Primary Agricultural
Cooperative Credit Society,
Ettayapuram Taluk,
Thoothukudi District.

5.A.Dhanavathi

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned declaration of the result published by the third respondent vide his proceedings Nil, dated 29.6.2019 and to quash the same as



illegal and consequently to direct the respondents to conduct free and fair election in respect of O.642, Melanambipuram Primary Agricultural Co-operative Credit Society, Ettayapuram Taluk, Thoothukudi District in a transparent manner by video-graphing the entire polling process in consonance with the fair procedure within the period stipulated by this Court.

For Petitioner :Mr.M.Ajmal Khan
Senior Counsel
for Mr.M.Prabu

For Respondent-1 :Mr.G.Rajendran

For Respondents :Mr.K.Chellapandian,
2 and 3 Addl.Advocate General
assisted by
Mr.VR.Shanmuganathan
Special Govt.Pleader.

O R D E R

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

This Writ Petition is filed challenging the declaration of the result published by the third respondent through his proceedings, dated 29.6.2017 in respect of the election conducted to O.642, Melanambipuram Primary Agricultural Co-operative Credit Society, Ettayapuram Taluk, Thoothukudi District

2.Heard the learned Senior Counsel appearing for the Writ Petitioner and the learned Standing Counsel appearing for the first respondent and the learned Additional Advocate General appearing for the respondents 2 and 3. Since this Writ Petition is being disposed of without expressing any view on the merits of the claim made by the Petitioner and without passing any adverse order against the fifth respondent, notice to the fifth respondent is dispensed with.

3.The challenge made in this Writ Petition is against the declaration of results of the election conducted to the subject matter cooperative society. The learned Senior Counsel appearing for the Petitioner invited our attention to various irregularities said to have been committed while conducting the election. Therefore, the learned Senior Counsel contended that this Court itself can look into the issue and decide the matter on merits. However, We are taking a consistent view in all these Cooperative Society Election Cases, that the aggrieved party has to go and file appropriate application under Section 90 of the Cooperative Societies Act and challenge the election after declaration of the results, as provided under Section 90 of



the above 'Act'. When such avenue is provided under the statute, this Court is not inclined to convert itself as an authority under Section 90 of the above 'Act' to decide the claim made by the Petitioner to challenge the election.

4. Therefore, without expressing any view on the merits of the matter, this Writ Petition is disposed of, by granting liberty to the Petitioner to work out her remedy by filing appropriate Petition under Section 90 of the Tamil Nadu Cooperative Societies Act before the Tribunal. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Commissioner,
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3. The Election Officer,
O.642, Melanambipuram Primary Agricultural
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Ettayapuram Taluk,
Thoothukudi District.

- +1 CC to Mr.G.RAJENDRAN, Advocate SR-75639.
+1 CC to SPL GP SR-75696.
+1 CC to Mr.M.PRABU, Advocate SR-75794.

ORDER MADE IN
W.P(MD) NO.15139 OF 2019
and
W.M.P (MD) Nos.11641 and
11642 of 2019
16.07.2019