



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.4558 of 2019

and

WMP (MD) Nos.12725, 3628 to 3830 and 4184 of 2019

M.Subramani

: Petitioner

Vs.

- 1.The Tamilnadu State Co-Operative Election Commission,
Rep. by its Commissioner,
No.273, Annasalai,
Teynampet, Chennai-18.
- 2.The Registrar/State Election Officer,
Co-Operative Societies,
Chennai.
- 3.The District Election Officer/
Deputy Registrar Cooperative Societies,
Office at DD 487 Dindigul District Consumer
Co-Operative Wholesale Store,
Pandian Nagar, Dindigul.
- 4.The Managing Director,
DD 487, Dindigul District Consumer
Co-Operative Wholesale Store
Pandian Nagar, Dindigul.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the impugned notification made in Na.Ka.No.6657 /2018 / Koo.Thae.1, on the file of the 1st respondent dated 19.02.2019 and the election notice dated 20.02.2019 on the file of the third respondent in so far as it, purports to conduct election to the office bearers of the DD -487 Dindigul District Consumer Co-operative Wholesale Store and quash the same as illegal and also consequently direct the respondents to issue proper notification in compliance with Rule 52(5) (a) and 52 (6) (b) of the Tamil Nadu Co-operative Societies Rules 1988 and also by publishing the voters lists of individual members who are eligible to vote and contest.



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For Petitioner : Mr.J.Sankara Pandian
For R1 : Mr.G.Rajendran
Standing Counsel
For R2 to R4 : 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 challenging the election notification issued by the first respondent, dated 19.02.2019 and 20.02.2019 on the file of the third respondent. Consequently, the petitioner seeks for conducting the election to the Office Bearers of Dindigul District Consumer Co-operative Wholesale Store by issuing proper notification in compliance with Rules 52(5)(a) and 52(6)(b) of the Tamil Nadu co-operative Societies Rules, 1988 and also by publishing voters list of individual members, who are eligible to vote and contest.

2.Heard the learned counsel for the petitioner; the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 to 4.

3.The contentions of the writ petitioner in this writ petition is as follows:-

(a).The impugned notifications are in violation of Rules 52(5)(a) and 52(6)(b) of the Tamil Nadu co-operative Societies Rules, 1988, since 21 days clear notice has not been issued for publishing the election schedule.

(b).Without conducting the first and second segment of elections for the Societies, which are affiliated Societies of Dindigul District Consumer Co-operative Wholesale Store, the third segment of election to the said Society cannot be conducted.

(c).The voters list published contains several dead persons' name and therefore, fresh voters list need to be published.

4.Per contra, the learned Special Government Pleader contended that the election schedule was issued on 08.01.2019 by the Election Commission and by the District Election Officer on 10.01.2019. He further contended that the election process started and final voters list published on 19.01.2019 and thereafter, the Election Commission stopped the election process on 21.01.2019. He further contended that again election program was issued on 19.02.2019 from the stage where it was stopped. At this stage, the writ petition was filed on 27.02.2019 and this Court has granted interim stay on 27.02.2019. He further contended that as per Rule



52(5)(a) of the said Rules, the time gap between sending of notice and date of poll, shall be atleast 21 days, whereas the time available between the date of notification dated 10.01.2019 and the revised date of poll, i.e. on 01.03.2019 is 50 days, which is more than 21 minimum days required under Rule 52(5)(a) of the said Rules. He further contended that the voters list was published after due verification and therefore, the petitioner cannot have any grievance.

5. Though the above rival contentions are raised by both parties, we are not inclined to go into the merits of those contentions and decide the same at this stage, since we are taking a consistent view in all the Co-operative Election matters that the aggrieved party has to resort to the remedy available under Section 90 of the Tamil Nadu Co-operative Societies Act, after the declaration of the results. Needless to state that all the contentions raised before this Court can be raised while filing such application. When such avenue is available, we are not inclined to entertain this writ petition.

6. Accordingly, by granting liberty to the petitioner to raise the dispute by way of filing an application under Section 90 of the Tamil Nadu Co-operative Societies Act, this writ petition is disposed of, without expressing any view on the merits of the claim made by the respective parties. Interim order granted, if any, stands vacated. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Commissioner,
Tamilnadu State Co-Operative Election Commission,
No.273, Annasalai,
Teynampet, Chennai-18.

2. The Registrar/State Election Officer,
Co-Operative Societies,
Chennai.

3. The District Election Officer/
Deputy Registrar Cooperative Societies,
Office at DD 487 Dindigul District Consumer
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4.The Managing Director,
DD 487, Dindigul District Consumer
Co-Operative Wholesale Store
Pandian Nagar, Dindigul.

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+1CC TO MR.J.SANKARA PANDIAN, Advocate Sr. No. 79538
+1CC TO MR.G.RAJENDRAN, Advocate Sr. No.78918
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.79242

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SCR(CO)
TR (13.08.2019) 4P 8C