



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**

AND

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P.(MD)No.4770 of 2019

and

W.M.P(MD)No.3815 of 2019

M.Kader Masthan

.. petitioner

Vs.

1.The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
273, Scheme Road,
Subbarayan Nagar,
Teynampet,
Chennai - 600 018.

2.The Joint Registrar of Co-operative Societies,
Tirunelveli,
Tirunelveli District.

3.The Deputy Registrar of Co-operative Societies,
District Election Officer,
Perumalpuram, Tirunelveli District.

4.The Election Officer,
Q2236, Tirunelveli District Co-operative
Agricultural Engineering and Service Society,
Tirunelveli,
Tirunelveli District.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to forebear the respondents from conducting election to Q2236, Tirunelveli District Co-operative Agricultural Engineering and Service Society, Tirunelveli, Tirunelveli District until the defects in the eligible voters list is rectified.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.K.Chellapandian
Addl. Advocate General
assisted by
Mr.V.R.Shanmuganathan
Spl. Govt. Pleader
(for R2 to R4)



Mr.G.Rajendran
Standing Counsel (for R1)

O R D E R

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

This writ petition is filed for a Mandamus forbearing the respondent from conducting election to Q2236, Tirunelveli District Co-operative Agricultural Engineering and Service Society, Tirunelveli, Tirunelveli District, until the defects in the eligible voters list is rectified.

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

3.The grievance of the petitioner is that there are some defects in the voter list and therefore, the election should not be conducted without rectifying the defects.

4.When this writ petition is entertained by this Court on 28.02.2019, an interim order was passed permitting the election to go on, however, by indicating that the results will be subject to the result of the writ petition.

5.The petitioner's grievance is that there are some defects in the voters list. Therefore, he contends that the election ought not have been conducted. Now, the election is conducted and the results are also declared. Therefore, if the petitioner is aggrieved against the process of election or the declaration of its results, it is for him to work out his remedy by filing a petition under Section 90 of the Cooperative Societies Act by raising all the contentions. Even otherwise, we are taking a consistent view that once the process of election has commenced, it cannot be interfered with, as the aggrieved party has a remedy under Section 90 of the said Act. Therefore, this writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner only with liberty to work out his remedy under Section 90 of the Co-operative Societies Act. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

skn



To

1.The Commissioner,
Tamil Nadu Co-operative Societies Election Commission,
273, Scheme Road,
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Chennai - 600 018.

2.The Joint Registrar of Co-operative Societies,
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Q2236, Tirunelveli District Co-operative
Agricultural Engineering and Service Society,
Tirunelveli,
Tirunelveli District.

+1CC TO MR.G.RAJENDRAN, Advocate Sr. No.75914

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 76379

+1CC TO Mr.S.C.Herold Singh, Advocate Sr. No. 76166

W.P. (MD) No.4770 of 2019

and

W.M.P (MD) No.3815 of 2019

17.07.2019

AL(CO)

TR (26.07.2019) 3P 8C