



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.15604 OF 2019

and

W.M.P(MD)No.12296 to 12298 of 2019

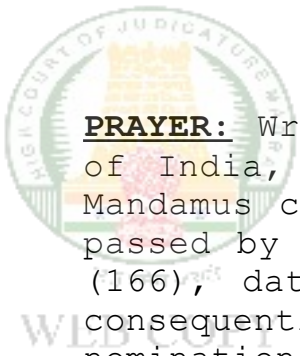
B.Kumaresan

:Petitioner

.vs.

- 1.The Tamil Nadu Cooperative Societies,
Election Commissioner,
Tamil Nadu Cooperative Societies
Election Commission,
Anna Salai,
Chennai 0 600 018.
- 2.The Registrar of Cooperative Societies,
Chennai.
- 3.The Joint Registrar of Cooperative Societies,
Office of the Joint Registrar of Cooperative
Societies,
Sivaganga.
- 4.The Deputy Registrar of Cooperative Societies,
Sivaganga.
- 5.The Secretary,
Committee on Cooperative Societies Election Cases,
No.187, North Veli Street,
Opposite to Head Post Office,
Madurai - 625 001.
- 6.The Special Officer,
Q-531, Ladanenthal Primary Agricultural
Cooperative Credit society,
Ladanenthal,
Sivagangai District.
- 7.The Election Officer,
Q-531, Ladanenthal Primary Agricultural
Cooperative Credit society,
Ladanenthal,
Sivagangai District.

: 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 pertaining to the impugned order passed by the fifth respondent Committee in PROC.NO.001/SJC/2018 (166), dated 12.6.2019 and to quash the same as illegal and consequently to quash the election and the list of accepted nominations, dated 23.4.2018 to Q-531, Ladanenthall Primary Agricultural Cooperative Credit Society, Ladanenthall, Sivagangai District published by the seventh respondent and consequently to direct the first respondent to appoint the a fresh Election Officer from the central Government to conduct the election to Q-531, Ladanenthall Primary Agricultural Cooperative Credit Society, Ladanenthall, Sivagangai District and conduct the election by appointing Election Observer from the Central Government by deploying Special Task Fore to ensure fair and free election by video-graphing the entire election process.

For Petitioner	:Mr.A.Kannan
For Respondent-1	:Mr.G.Rajendran
For Respondents 2 to 7	:Mr.VR.Shanmuganathan Special Govt.Pleader.

O R D E R

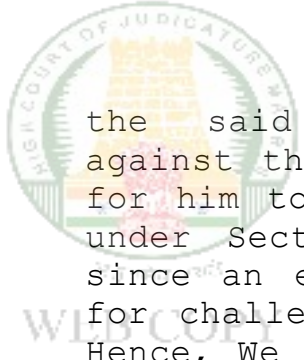
[Order of the Court was made by **K.RAVICHANDRABAABU.,J.**]

This Writ Petition is filed challenging the order of the Committee/fifth respondent, dated 12.6.2019, wherein and whereby, the Election Officer was directed to conduct fresh election to Q-531, Ladanenthall Primary Agricultural Cooperative Credit Society, Ladanenthall, Sivagangai District.

2.Heard the learned counsel appearing for the Petitioner and the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 to 7 and perused the materials placed before this Court.

3.It is seen that the very same Petitioner earlier approached this Court and filed W.P.(MD)No.9885 of 2018, challenging the rejection of his nomination papers. It is further seen that the Writ Petition was referred to the Specially constituted Committee, which in-turn passed the impugned order.

4.Perusal of the impugned order would show that the Committee has found that the rejection of the Petitioner's nomination is illegal and with further direction to the respondent therein to accept the nomination. When such being the factual position, We do not find that the Petitioner is in any way aggrieved against



the said order. Even otherwise, if the Petitioner is aggrieved against the process of election, results declared thereon, it is for him to challenge the same by filing appropriate application under Section 90 of the Tamil Nadu Cooperative Societies Act, since an effective mechanism is provided under the said statute for challenging the election after declaration of its results. Hence, We are not inclined to interfere with the election process at this stage by exercising this Court's discretionary jurisdiction under Article 226 of the Constitution of India.

5. Accordingly, this Writ Petition is dismissed, with liberty to the Petitioner to work out his remedy by filing appropriate application before the Tribunal under Section 90 of the Tamil Nadu Cooperative Societies Act. Interim order granted, if any, stands vacated. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

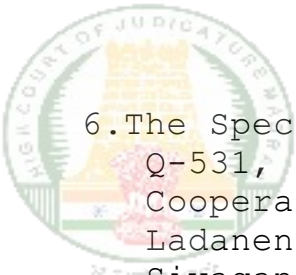
Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

To

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7.The Election Officer,
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+1 CC to SPL GP SR-75401.
+1 CC to Mr.G.RAJENDRAN, Advocate SR-75368.
+1 CC to Mr.A.KANNAN, Advocate SR-75534.

ORDER MADE IN
W.P (MD) NO.15604 OF 2019
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W.M.P (MD) No.12296 to
12298 of 2019

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CS(24.07.2019) 4P 11C