



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16386 of 2019

and

W.M.P. (MD)Nos.13047 and 13048 of 2019

K.Radha Rukmani

: Petitioner

Vs.

1. The Tamil Nadu State Cooperative Societies
Election Commission,
Represented by the Commissioner,
Election Commission,
Chennai - 600 018.
2. The Registrar of Cooperative Societies,
P.H.Road, Chennai - 600 008.
3. The Deputy Registrar / District Election Officer,
Srivilliputhur, Virudhunagar Region,
Virudhunagar District.
4. The Deputy Registrar / District Election Officer,
Srivilliputhur, Virudhunagar Region,
Virudhunagar District.

5.Mr.Velchamy

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the Committee on Cooperative Societies Election cases South Zone Madurai in PROC.No.001/SJC/H/2018(133), dated 10.05.2019 and quash the same as illegal to the extent of restricting re-election only to women candidates alone and approving the election in respect other candidates and thus not ordering for re-election in total and consequently to direct the respondents 1 and 2 to conduct re-election to the Cooperative Society by name R.A.423, Kommangipuram Primary Agriculture Credit Society Ltd., Kommangipuram by appointing a new Election Officer for verifying the nominations and publishing the final list of candidates within the time stipulated by this Court.



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For Petitioner : Mr.S.Louis
For R-1 : G.Rajendran
For R-2 to R-4 : Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

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

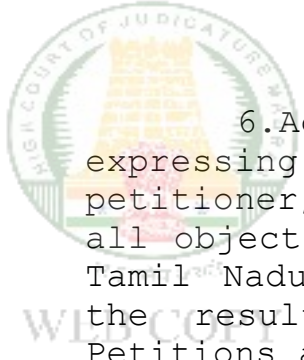
This writ petition is filed against the order of the Committee of Co-operative Societies' Election cases, South Zone, Madurai, dated 10.05.2019, wherein and whereby the Committee after finding that the rejection of the nomination of the writ petitioner as illegal, directed the Election Officer to conduct election for electing women candidates to the subject matter Co-operative Society.

2.Heard both sides.

3.It is seen that election to Kommangipuram Primary Agriculture Credit Society Ltd., was earlier conducted wherein the petitioner's nomination was rejected by the Election Officer. It is further seen that challenging such rejection of the nomination, the petitioner earlier filed writ petition in W.P.(MD)No.11995 of 2018, before this Court. After formation of the special Committee, the said writ petition was referred to such Committee, which in turn, has passed the present impugned order. Perusal of the order passed by the Committee would show that it has found that the rejection of the petitioner's nomination on the ground that she has not scored off the second paragraph in the nomination form is illegal. Consequently, the Committee directed the Election Officer to conduct election for electing women candidates only.

4.The learned counsel for the petitioner, however, contended that the grievance of the petitioner is not only against the rejection of her nomination and also on several other grounds against the conduct of the election earlier.

5.We are not inclined to go into any of the contentions raised by the petitioner as of now, as we are taking consistent view that any dispute arising out of the election, after the commencement of its process, has to be worked out only by way of filing an application under Section 90 of the Tamil Nadu Co-operative Societies Act, after the declaration of the results. Therefore, if the petitioner is having any grievance against the process of election or the results declared thereof, it is for her to work out by filing such application under Section 90 of the said Act, before the appropriate authority.



6. Accordingly, this writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner, however, granting liberty to the petitioner to raise all objections by way of election dispute under Section 90 of the Tamil Nadu Co-operative Societies Act, after the declaration of the results. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Tamil Nadu State Cooperative Societies
Election Commission,
Represented by the Commissioner,
Election Commission, Chennai - 600 018.

2. The Registrar of Cooperative Societies,
P.H.Road, Chennai - 600 008.

3. The Deputy Registrar / District Election Officer,
Srivilliputhur, Virudhunagar Region,
Virudhunagar District.

+1 CC to Mr.G.RAJENDRAN, Advocate (SR-76835[F] dated 23/07/2019)

+1 CC to M/s.S.LOUIS, Advocate (SR-77059[F] dated 23/07/2019)

+1 CC to Special Government Pleader (SR-77292[F] dated
24/07/2019)

W.P. (MD) No.16386 of 2019
23.07.2019

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