



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.07.2019
CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) Nos.16159 and 16160 of 2019

and

WMP (MD) Nos.12854 and 12856 to 12858 of 2019

K.Kamban : Petitioner in W.P. (MD) No.16159 of 2019
T.Pandiyar : Petitioner in W.P. (MD) No.16160 of 2019

Vs.

1. The Election Commissioner,
Tamil Nadu State Cooperative Societies
Election Commission,
No.273, Anna Salai,
Teynampettai, Chennai.
2. The Assistant Director / District Election Officer,
Handloom and Textile, Kumbakonam,
Thanjavur District.
: Respondents 1 and 2 in both the Writ Petitions
3. The Managing Director,
Thirubuvanani Thiruvalluvar
Primary Silk Handloom Weavers
Cooperative Society Ltd., (T.R.(H) 55),
Thirubuvanani, Thanjavur District.
4. The Electoral Officer,
Thirubuvanani Thiruvalluvar
Primary Silk Handloom Weavers
Cooperative Society Ltd., (T.R.(H) 55),
Thirubuvanani, Thanjavur District.
5. K.Govindasamy
Electoral Officer,
Thirubuvanani Thiruvalluvar
Primary Silk Handloom Weavers
Cooperative Society Ltd., (T.R.(H) 55),
Thirubuvanani, Thanjavur District.
: Respondents 3 to 5 in W.P. (MD) No.16159/2019
6. The Manager,
Thirubuvanani Cholan Silk Cooperative Society Ltd.,
Thirubuvanani, Thanjavur District.



7. The Electoral Officer,
Thirubuvanam Cholan Silk Cooperative Society Ltd.,
T.R.(H) 85,
Thirubuvanam, Thanjavur District.

8. Tmt.K.Jayarani,
Electoral Officer,
Thirubuvanam Cholan Silk Cooperative Society Ltd.,
T.R.(H) 85,
Thirubuvanam, Thanjavur District.

: Respondents 3 to 5 in W.P.(MD)No.16160/2019

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a writ of Certiorari Mandamus Calling for the records relating to the impugned order of the 2nd Respondent, dated 01-07-2019 and the impugned Electoral List dated 10-07-2019 issued by the 4th Respondent and quash the same as illegal and consequently direct the official Respondents to conduct election of Board of Directors to the 3rd Respondent Society afresh in a transparent and democratic manner as per the procedures contemplated under the Tamil Nadu Cooperative Societies Act and Rules.

For Petitioners in
both W.Ps.

: Mr.R.R.Kannan

For R-1 in both
writ petitions

: Mr.G.Rajendran
Standing Counsel

For R-2 to R-4 in
both writ petitions

: Mr.V.R.Shanmuganathan
Special Government Pleader

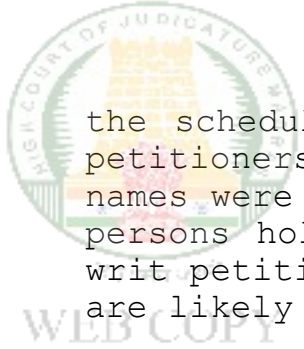
C O M M O N O R D E R

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

Both these writ petitions are filed challenging the election notification issued in respect of the subject matter Co-operative Societies as well as the list of valid nominations accepted by the Election Officer, as contestants in the said election.

2.Heard Mr.R.R.Kannan, learned counsel appearing for the petitioners; the learned counsel appearing for the first respondent and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 to 4.

3.The grievance of the petitioners in both the writ petitions is that when the election was conducted and results were declared and when the Committee constituted by this Court has set aside the election and ordered for fresh election, the Electoral list prepared by the Election Officer contained several irregularities and therefore, the fresh election cannot be permitted to go on as per



the schedule. It is also contended by the learned counsel for the petitioners that the persons, who were originally elected and whose names were subsequently set aside by the Committee, are shown as the persons holding the valid nominations in the list impugned in this writ petition. Therefore, it is contended that the very same persons are likely to be elected in the fresh election.

4. We are not inclined to go into any of the contentions raised by the petitioners 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 petitioners are having any grievance against the process of election or the results declared thereof, it is for them to work out by filing such application under Section 90 of the said Act, before the appropriate authority.

5. Granting such liberty, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

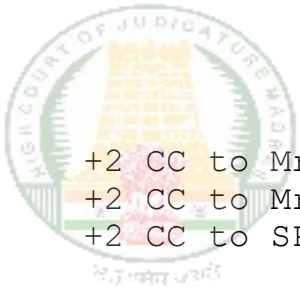
To

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Thirubuvanam, Thanjavur District.



+2 CC to Mr.G.RAJENDRAN, Advocate SR-76246 & 76245

+2 CC to Mr.RR KANNAN, Advocate SR-76275 & 76274

+2 CC to SPL GP SR-76656 & 76636

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19.07.2019

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