



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16801 of 2019

and

W.M.P. (MD)No.13403 of 2019

K.Chellaiya

: Petitioner

Vs.

1. The State Election Commission,
Rep. Principal Secretary,
Tamil Nadu Co-operative Societies Election Commission,
Chennai.
2. The Chair Person,
Committee on Co-operative Societies Election cases,
South Zone, Madurai.
- 3.The Joint Registrar of Co-operative Society,
Office of the Joint Registrar Cooperative Societies,
Sivagangai, Sivagangai.
4. The Deputy Registrar of Cooperative Society,
Sivagangai, Sivagangai District.
5. The Secretary,
NN.191,
Maravamangalam Primary Agricultural
Cooperative Credit Society,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records pertaining to the impugned order passed by the second respondent dated 26.06.2019 and quash the same.

For Petitioner

: Mr.K.P.Ramesh

For R-1

: Mr.G.Rajendran

For R-2 to R-5

: Mr.V.R.Shanmuganathan
Special Government Pleader



O R D E R

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

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This writ petition is filed challenging the order of the second respondent wherein and whereby the rejection of nomination of the writ petitioner was found to be valid.

2.Though this writ petition is filed by raising very many contentions on the merits of the claim made by the petitioner against such rejection, we are not inclined to entertain the writ petition, as we have already taken a view in similar cases that the persons affected or aggrieved against the election to the Co-operative Societies, have to approach the authority constituted under Section 90 of the Tamil Nadu Co-operative Societies Act and challenge the election after the declaration of the results. Therefore, when such course of action is available to the petitioner, we are of the view that this writ petition is not entertainable at this stage.

3.Accordingly, without expressing any view on the merits of the claim made by the petitioner, this Writ Petition is disposed of by granting liberty to the petitioner to work out his remedy by filing application under Section 90 of the said Act. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Principal Secretary,
State Election Commission,
Tamil Nadu Co-operative Societies
Election Commission, Chennai.

2.The Chair Person,
Committee on Co-operative Societies
Election cases, South Zone, Madurai.



3. The Joint Registrar of Co-operative Society,
Office of the Joint Registrar Cooperative Societies,
Sivagangai, Sivagangai.

4. The Deputy Registrar of Cooperative Society,
Sivagangai, Sivagangai District.

5. The Secretary, NN.191,
Maravamangalam Primary Agricultural
Cooperative Credit Society,
Sivagangai District.

+1 CC to MR.G.RAJENDRAN, Advocate (SR-78546[F] dated 30/07/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-78870[F] dated 31/07/2019)

W.P. (MD)No.16801 of 2019

and

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