



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.17402 of 2019
and
W.M.P. (MD) No.13912 of 2019

C.Baskar

... Petitioner

-vs-

- 1.The Hon'ble Committee
2018 - Co-operative Societies Election Cases
East Central Zone
No.1, Fort Railway Station Road
Tiruchirappalli
- 2.The Election Commissioner of
Co-operative Societies
State of Tamilnadu
Pudukkottai
- 3.The Deputy Registrar of Co-operative Societies
Pudukottai
- 4.No.15, Perungalur Primary Agricultural
Credit Society
Rep.by its Secretary
Pudukottai
- 5.Neelamangalam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the entire records pertaining to the order passed by the first respondent in petition No.152 of 2018 dated 21.06.2019 and quash the same as erroneous and may consequently direct the third respondent to retain the elected body of fourth respondent on 02.05.2019 as the executive board to manage the affairs of the fourth respondent.

For Petitioner : Mr.K.P.Narayanakumar



For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader for R1 & R3
Mr.G.Rajendran for R2

WEB COPY

O R D E R

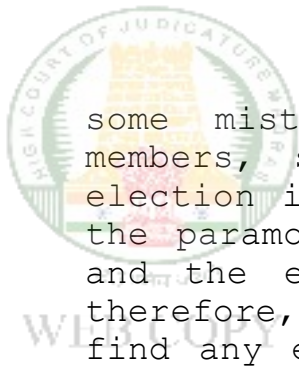
[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.K.P.Narayanakumar, learned counsel for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader for the respondents 1 and 3 and Mr.G.Rajendran, learned counsel for the second respondent.

2. This writ petition has been filed challenging the order, dated 21.06.2019, passed by the Committee on Cooperative Election Cases, Tiruchirapalli.

3. The learned counsel for the petitioner would vehemently contend that the Committee has committed a gross error in interfering with the election process and directing a fresh election to be conducted. It is further submitted that the order passed by the Committee proceeds on different lines other than the grounds raised by the fifth respondent, who was the petitioner before the Committee and the observations made by the Committee are wholly erroneous. Further, it is submitted that the constitution of the Committee was also not as per the norms and the officials, namely, the Joint Registrars of Co-operative Societies, though shown to be coopted members, were not present during the course of hearing, but their signatures find place in the impugned order. Further, it is submitted that the signatures of the District Collector, Ariyalur and the District Collector, Tiruchirapalli, find place in the impugned order, but they have nothing to do with the election process. It is further submitted that the points decided by the Committee were not pleaded by the fifth respondent in the petition filed before the Committee.

4. Firstly, we are testing the correctness of the Committee constituted for the purpose of resolving the election disputes. The Committee is empowered to admit the oral and documentary evidence placed before it by the parties. The Committee will be the fact finding authority for all purposes pertaining to the election process and other matters connected thereto. In the writ proceedings initiated against the findings of the Committee, we are expected to examine whether there is any error or infirmity. The Committee has analyzed all the materials produced before it and found that there are serious errors committed by the Election Officer. The petitioner, who is one of the original respondents before the Committee, had argued that because of



some mistakes committed by the election officer, the other members, should not be made to suffer. The purpose of the election is with a view to select the most popular candidate and the paramount consideration would be the welfare of the electors and the elected candidates are the voice of the electors and therefore, they assume supremacy in the matter. Hence, we do not find any error or infirmity in the impugned order passed by the Committee.

5. One more reason for not granting any relief in this writ petition is that on account of the fact that pursuant to the directions issued by the Committee, the State Election Commission, by notification dated 13.08.2019, had directed a fresh election to be conducted. Accordingly, a notification was published on 19.08.2019. As per the said notification, the last date for filing nominations was 29.08.2019 upto 05.00 p.m. The list of 36 eligible candidates was published on 30.08.2019. The petitioner's nomination was held to be valid. On 31.08.2019, 14 persons, whose nominations were held to be valid, had withdrawn their nominations. The final list of candidates was published on 31.08.2019 mentioning the names of 22 candidates. The petitioner was one among the 22 candidates.

6. Thus, for the above reasons, we do not find any valid ground to interfere with the impugned order passed by the Committee. Accordingly, the writ petition fails and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

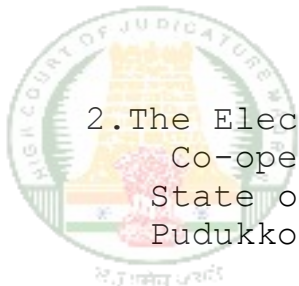
// True Copy //

Sub Assistant Registrar(CS)

krk

TO

1.The Hon'ble Committee
2018 - Co-operative Societies Election Cases
East Central Zone
No.1, Fort Railway Station Road
Tiruchirappalli



2.The Election Commissioner of
Co-operative Societies
State of Tamilnadu
Pudukkottai

3.The Deputy Registrar of Co-operative Societies
Pudukkottai

+1 CC to M/s.G.RAJENDRAN, Advocate (SR-85053[F] dated
04/09/2019)

+1 CC to M/s.K.P. NARAYANAKUMAR, Advocate (SR-85079[F] dated
04/09/2019)

+1 CC to M/s.SPL GP (SR-85325[F] dated 05/09/2019)

W.P. (MD) No.17402 of 2019

and

W.M.P. (MD) No.13912 of 2019

03.09.2019

KM/(20.09.2019) 4P 7C