



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.08.2019

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY
W.P.(MD)No.17323 of 2019

and

W.M.P.(MD)Nos.13820 to 13822 of 2019

V.P.R.Suresh

.. Petitioner

Vs.

- 1.The Election Commissioner,
Tamil Nadu State Co-operative Societies,
273, Anna Salai,
Teynampet,
Chennai - 600 018.
- 2.The Registrar of Co-operative Societies,
Kilpauk,
Chennai - 600 010.
- 3.The Joint Registrar of Co-operative Societies,
Thoothukudi District,
Thoothukudi.
- 4.The District Election Officer of Co-operative
Societies/Deputy Registrar of Co-operative
Societies,
Thoothukudi,
Thoothukudi.
- 5.The Election Officer,
Thoothukudi District Central Co-operative Bank,
Thoothukudi.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.2253/2019/Koo.The.5, dated 31.07.2019, passed by the first respondent, quash the same and consequently, direct the first respondent to publish Fresh Election Schedule, only after the completion of Elections to the Executive Committee of E.E.164 Kulaiyankaraisal Primary Agricultural Co-operative Credit Society and other 9 PACS, which are the Members of the Thoothukudi District Central Co-operative Bank and publication of fresh Voter List, following Rule 52(5)(b)(i) of the Tamil Nadu Co-operative Societies Rules and direct the respondents 3 and 4 to follow the



procedure prescribed in Rule 52 (6) of the Tamil Nadu Co-operative Societies Rules read with Rule 3.2 of the Tamil Nadu Co-operative Societies Election Rules to conduct Election to the Thoothukudi Central Co-operative Bank, Thoothukudi.

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For Petitioner : Mr.A.Thirumurthy
For R1 : Mr.G.Rajendran
Standing Counsel
For R2 to R4 : Mr.VR.Shanmuganathan
Special Government Pleader
For R5 : Mr.D.Shanmugaraja Sethupathi

ORDER

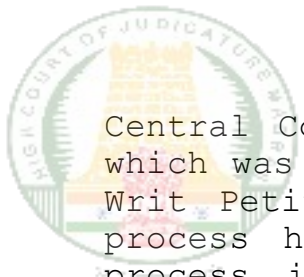
(Order of the Court was made by K.RAVICHANDRABAABU, J.)

This Writ Petition is filed challenging the order of the first respondent, dated 31.07.2019, wherein and whereby, the first respondent issued the election schedule for conducting election to the Tuticorin District Central Co-operative Bank.

2.We have heard Mr.A.Thirumurthy, learned counsel appearing for the petitioner; Mr.G.Rajendran, learned Standing Counsel appearing for the first respondent; Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 to 4; and Mr.D.Shanmugaraja Sethupathi, learned counsel appearing for the fifth respondent.

3.The grievance of the petitioner before this Court is that the first respondent is not justified in issuing the impugned schedule for conducting election to the Tuticorin District Central Co-operative Bank, based on a deficit voters list, without publishing the same and correcting it as on date. In other words, it is the claim of the writ petitioner that unless and until election to the Primary Agricultural Co-operative Credit Societies is conducted and the Office bearers are elected, who are entitled to contest and vote in the election to be conducted to the Tuticorin District Central Co-operative Bank, the first respondent cannot issue notification for conducting election to the District Central Co-operative Bank.

4.We have already considered similar objections raised by other similarly situated persons and disposed of those Writ Petitions, only by observing that all those contentions can be raised by way of filing a petition under Section 90 of the Tamil Nadu Co-operative Societies Act, after the publication of the results, as contemplated under the said Provision itself. In fact, in respect of the very same election to the Tuticorin District



Central Co-operative Bank, Tuticorin, in W.P.(MD)No.1179 of 2019, which was filed by one R.Balamurugan, we have disposed of the said Writ Petition on 15.07.2019, by observing that once an election process has commenced, the party aggrieved against any of such process is not entitled to question the same by way of Writ Petition and the remedy left open to him is to file a petition under Section 90 of the Tamil Nadu Co-operative Societies Act, after declaration of the results.

5.The grievance of the petitioner therein also is that the voters list has not been properly prepared and it has some defects such as, some 54 Societies are not placed in the final voters list. Since the present Writ Petition is filed raising the very same allegation, which was already considered by this Court in W.P.(MD) No.1179 of 2019, dated 15.07.2019 and we are taking consistent view in all such connected matters that once an election process has commenced, the party aggrieved against any of such process is not entitled to question the same by way of writ petition and the remedy left open to him is to file a petition under Section 90 of the Tamil Nadu Co-operative Societies Act, after declaration of the results, as contemplated under the said Provision itself, we find that the present Writ Petition is not maintainable. However, we grant liberty to the petitioner to work out his remedy after declaration of election results of the subject matter Co-operative Bank, by filing appropriate petition under Section 90 of the Tamil Nadu Co-operative Societies Act.

6.With the above observations, this Writ Petition is disposed of, without expressing any opinion on the merits of the claim made by the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Election Commissioner,
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273, Anna Salai,
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Thoothukudi,
Thoothukudi.

5.The Election Officer,
Thoothukudi District Central Co-operative Bank,
Thoothukudi.

+1CC TO MR.D.SHANMUGARAJA SETHUPATHI, Advocate Sr. No.80070

+1CC TO MR.G.RAJENDRAN, Advocate Sr. No.80047

+1CC TO MR.A.THIRUMURTHY, Advocate Sr. No.80099

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.80400

Order in
W.P. (MD) No.17323 of 2019
06.08.2019

DB (CO)

TR (08.08.2019) 4P 10C