



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.08.2019
CORAM

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**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P. (MD) No.17353 of 2019
and
W.M.P. (MD) Nos.13842 and 13845 of 2019

Thangaselvam ... Petitioner

Vs.

- 1.The Joint Registrar of Co-operative Societies,
Thoothukudi,
Thoothukudi.
- 2.The Deputy Registrar of Co-operative Societies-cum-
District Election Officer of Co-operative Societies,
Kovilpatti Circle, Kovilpatti,
Thoothukudi District.
- 3.The Secretary,
O-787, Veppalodai Primary Agriculture
Co-operative Credit Society,
Veppalodai, Ottapidaram Taluk,
Thoothukudi District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to accept the nomination of the petitioner and permit him to contest the election of the third respondent Co-operative Society, to be held on 09.08.2019 or any further dates.

For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

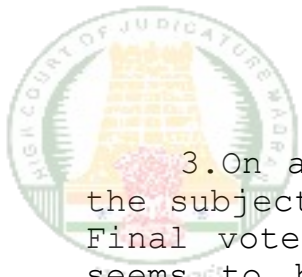
ORDER

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

The petitioner seeks for Mandamus, directing the respondents 1 and 2 to accept his nomination and permit him to contest in the election to the third respondent Co-operative Society to be held on

09.08.2019
<https://hcservices.courts.gov.in/hcservices/>

2.Heard both sides.



3. On a perusal of the records, it is seen that the election to the subject matter Co-operative Society is to be held on 09.08.2019. Final voters' list was published on 26.04.2018 and the petitioner seems to have filed his nomination on 30.04.2018. However, his nomination was rejected by the election officer of the third respondent Society, which was put to challenge by the petitioner in W.P. (MD) No. 10756 of 2018. The said issue was further referred to the Committee constituted by this Court, which in turn, passed an order on 13.03.2019, directing the writ petitioner to approach the Registrar of Co-operative Societies under Section 90 of the Tamil Nadu Co-operative Societies Act. Thus, it is seen that the petitioner has filed an application under Section 90 of the Tamil Nadu Co-operative Societies Act before the second respondent on 09.05.2019. It is stated that the said application is still pending. Now, the grievance of the petitioner is that when such an application is pending, the election now scheduled to take place on 09.08.2019 cannot be allowed to go on.

4. We are not convinced to entertain the present Writ Petition, that too, for Mandamus, to permit the writ petitioner to file nomination, for the simple reason that already his nomination was rejected, which is subject matter of the appeal before the second respondent under Section 90 of the Tamil Nadu Co-operative Societies Act. Needless to say that as per the provision made under Section 90 of the Tamil Nadu Co-operative Societies Act, challenge can be made even after declaration of the results. Since the petitioner has already approached the second respondent and filed an application under Section 90 of the Tamil Nadu Co-operative Societies Act, the outcome of the order to be passed in the said application will certainly have bearing on the election to be conducted in this case. Therefore, when such an avenue has already been availed by the petitioner, we are not inclined to entertain the Writ Petition. Accordingly, this Writ Petition is disposed of, by directing the writ petitioner to pursue his remedy before the second respondent, where he has already filed an application under Section 90 of the Tamil Nadu Co-operative Societies Act. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

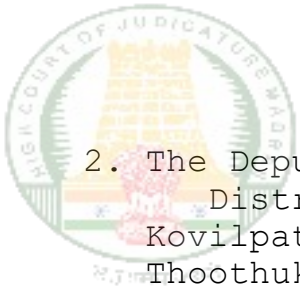
Assistant Registrar (CO)

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Sub Assistant Registrar (CS)

To

1. The Joint Registrar of Co-operative Societies,
Thoothukudi,
Thoothukudi.



2. The Deputy Registrar of Co-operative Societies-cum-District Election Officer of Co-operative Societies, Kovilpatti Circle, Kovilpatti, Thoothukudi District.

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3. The Secretary,
O-787, Veppalodai Primary Agriculture
Co-operative Credit Society,
Veppalodai, Ottapidaram Taluk,
Thoothukudi District.

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-80367[F] dated 07/08/2019)

+1 CC to SPL GP (SR-80405[F] dated 07/08/2019)

Order in
W.P. (MD) No.17353 of 2019
06.08.2019

smn2

MK (26.08.2019) 3P 6C