



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.19843 of 2019

and

W.M.P. (MD) No.16348 of 2019

M.Jegadeesan

.. Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Joint Registrar of Co-operative Societies,
Virudhunagar District, Collectorate Campus,
Virudhunagar.

3.The Deputy Registrar / District Election Officer,
(Aruppukottai Division),
R.K.17, Virudhunagar District Co-operative Union,
Virudhunagar.

4.Periyasamy

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents herein to receive the petitioner's nomination and to conduct election for the third respondent union as per the election notification dated 28.08.2019 and also to take videograph of the entire election of the third respondent union.

For Petitioner : Mr.K.Hemakarthiskeyan

For R1 to R3 : Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Basakara Pandian
Special Government Pleader

ORDER

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

Heard Mr.K.Hemakarthiskeyan, learned counsel for the
petitioner and Mr.K.Chellapandian, learned Additional Advocate
<https://hcservices.ecourts.gov.in/hcservices/>



General assisted by Mr.A.K.Baskara Pandian, learned Special Government Pleader, for the official respondents. By consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner filed his nomination to participate in the election to the third respondent, Virudhunagar District Co-operative Union. According to the petitioner the Election Officer was not available in the seat till 05.00 p.m., to receive the nomination. The petitioner has enclosed two photographs taken from his mobile phone, which show the time at when the photographs are taken. In one of the said photographs the time is around 04.02 p.m., and in another photograph the time is around 04.44 p.m.. These photographs have been filed to show that the Election Officer was not in seat. Further, it is submitted that the petitioner has immediately lodged a complaint in the office of the second respondent and it appears that the Officer from the second respondent office called upon the third respondent, but the third respondent was not present.

3. With these facts, it is submitted that the entire election process has been reduced to mockery and it is not an election but a selection. However, considering the settled legal position that once the election process has begun, it should not be interdicted by the writ Court, however, if the situation shows monstrous, then the writ Court can not decline to interfere with the election process. However, we do not see any such monstrosity warranting interference at this stage. But, the petitioner should not be left without any remedy.

4. We are informed by the learned Additional Advocate General that it is always open to the petitioner to approach the Election Commission, if he is so advised and present his grievances. The learned Additional Advocate General, on instructions, further submitted that only 20 valid nominations were received and therefore, all the 20 candidates have been declared 'elected'.

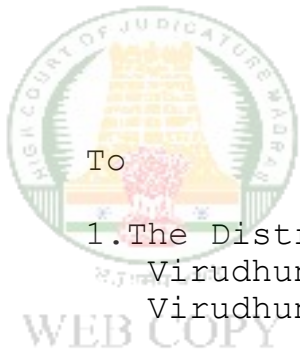
5. Considering these facts, we dispose of this writ petition giving liberty to the petitioner to approach the Election Commission for appropriate order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

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3.The Deputy Registrar / District Election Officer,
(Aruppukottai Division),
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Virudhunagar.

+1 CC to M/s.K.HEMAKARTHIKEYAN, Advocate (SR-87145[F] dated
17/09/2019)

+1 CC to M/s.SPL GP (SR-87538[F] dated 18/09/2019)

W.P (MD) No.19843 of 2019
17.09.2019

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