



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.09.2019**

CORAM:

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**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH**

W.P. (MD)No.19744 of 2019

S.Sunder Singh : Petitioner
Vs.

- 1.The Registrar of Cooperative Societies,
Kilpauk, Chennai.
- 2.The Joint Registrar of Cooperative Societies,
Nagercoil,
Kanyakumari District.
- 3.The Sub Registrar of Cooperative Societies,
Thuckalay
Kanyakumari District.
- 4.The Electoral Officer,
Kanyakumari District Cooperative Printing Press
Thuckalay
Kanyakumari District.
- 5.The Election Officer,
Kanyakumari District Cooperative Printing Press,
Thuckalay
Kanyakumari District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 4 and 5 to include the petitioner's name in the eligible voters list and permit the petitioner to exercise the petitioner's voting right for the Kanyakumari District Cooperative Printing Press - Administrative Committee Election, Thuckalay.

For Petitioner	: Mr.M.R.Sreenivasan
For Respondents	: Mr.A.K.Baskarapandian Special Government Pleader



ORDER

S.VAIDYANATHAN, J.

AND

N.ANAND VENKATESH, J.

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This writ petition has been filed seeking for the relief of a writ of mandamus directing the fourth and fifth respondents to include the name of the petitioner in the eligible voters list and permit the petitioner to vote on behalf of the Thuckalay Primary Cooperative Societies Ltd., in the administrative committee election to be held on 16.09.2019.

2.Mr.A.K.Baskarapandian, learned Special Government Pleader appearing on behalf of the respondents, submitted that the election schedule was published on 27.08.2018 and pursuant to the scrutiny, the election officer has disqualified the participation of various societies, which have not paid their dues. One such society is the society, to which this petitioner belongs to and the petitioner is a delegate of the said society.

3.The learned counsel for the petitioner submitted that the name of the petitioner has been deleted from the voters list illegally without issuing any notice and therefore, the action of the fifth respondent is arbitrary.

4. We have carefully considered the above submissions made on either side and perused the materials available on record.

5. In our considered view, the present writ petition filed by the petitioner in his individual capacity is not maintainable. It is clear from the proceedings of the election officer that the society itself has been disqualified on the ground that the dues have not been paid on time.

6. However, the society has not preferred the present writ petition and the petitioner has approached this Court in his individual capacity. On this ground alone, the present writ petition is liable to be dismissed. That apart, the election process has already commenced and at this point of time, this Court cannot exercise its jurisdiction under Article 226 of the Constitution of India and interfere with the election process. The petitioner has an alternative remedy under Section 90 of the Tamil Nadu Cooperative Societies Act and he can always work out his remedy by raising a dispute under Section 90 of the Tamil Nadu Cooperative Societies Act, 1983.



7. In view of the above, this writ petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar ()

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// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Registrar of Cooperative Societies,
Kilpauk, Chennai.
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Thuckalay, Kanyakumari District.
 - 5.The Election Officer,
Kanyakumari District Cooperative Printing Press,
Thuckalay, Kanyakumari District.
- +1 CC to SPL GP SR-86938.
+1 CC to Mr.M.R. SREENIVASAN, Advocate SR-87005.

**Order made in
W.P. (MD)No.19744 of 2019
Dated: 13.09.2019**

CS(26.09.2019) 3P 8C