



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

**THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND**

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD).No.19812 of 2019

and

W.M.p. (MD).Nos.16305 and 16306 of 2019

P.Anand

... Petitioner

Vs.

- 1.The District Election Officer/
Deputy Registrar Co-operative Societies,
Nagercoil,
Kanyakumari District.
 - 2.The Election Officer,
The Kanyakumari District Co-operative Union Limited,
KN-103, Ramachandranadar Building,
KDCC Bank, Nagercoil-629 001.
 - 3.The Managing Director,
The Kanyakumari District Co-operative Union Limited,
KN-103, Ramachandranadar Building,
KDCC Bank, Nagercoil-629 001,
Kanyakumari District.
- ... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the nomination rejection proceedings issued by the 2nd respondent in his proceedings No.Nil dated 10.09.2019 and quash the same for this petitioner and consequently, direct the 2nd respondent to accept the nomination of the petitioner and include the petitioner as a valid contestant for the election of 3rd respondent and conduct the election in a fair and transparent manner.

For Petitioner : Mr.N.Sankar Ganesh

For Respondents : Mr.K.Chellapandian, Additional
Advocate General
Assisted by Mr.A.K.Baskara Pandian
Special Government Pleader



ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

WEB COPY

Heard Mr.N.Sankar Ganesh, learned counsel appearing for the petitioner and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents.

2.By consent on either side, this writ petition is taken up for disposal.

3.The petitioner seeks for quashing the order passed by the second respondent rejecting the petitioner's nomination to participate in the election to be conducted for the third respondent/ Kanyakumari District, Co-operative Union Limited.

4.According to the petitioner, who proposed the name of the petitioner by name T.Michel Nicksen, as the Vice President of Neiyur Primary Agricultural Co-operative Credit Society and he is not a defaulter and his name finds place in the list of valid voters. The seconder of the petitioner is one A.R.Boothalingapillai, who is the President of Veeravanallur Primary Agricultural Co-operative Credit Society and his name was also find place in the list of valid voters. Therefore, it is submitted that the rejection of the petitioner's nomination is illegal.

5.The learned Government Advocate, on instructions, submitted that the seconder of the petitioner is a defaulter and an objection was raised to the voters' list and on enquiry, it was found that the seconder of the petitioner is a defaulter. Therefore, the nomination of the petitioner was held to be not valid.

6.In any event, the election process already commenced and today is the election and therefore, we cannot interfere at this stage. As the settled legal position is that once the election process has commenced, the Court should not interdict with the process unless, the monstrosity of the situation calls for such interference, we find no such situation arising in the instant case. We cannot grant the prayer sought for in this writ petition. Accordingly, this Writ Petition stands dismissed. No costs. However, if the petitioner is advised to file an election petition, it will be open to the petitioner to do so and the dismissal of the writ petition will not be a bar for the



petitioner in exercising such remedy. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

Ns

To

- 1.The District Election Officer/
Deputy Registrar Co-operative Societies,
Nagercoil,
Kanyakumari District.
- 2.The Election Officer,
The Kanyakumari District Co-operative Union Limited,
KN-103, Ramachandranadar Building,
KDCC Bank, Nagercoil-629 001.
- 3.The Managing Director,
The Kanyakumari District Co-operative Union Limited,
KN-103, Ramachandranadar Building,
KDCC Bank, Nagercoil-629 001,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-87585[F] dated 18/09/2019)

+1 CC to M/s.N.SHANKAR GANESH, Advocate (SR-86820[F] dated 16/09/2019)

W.P. (MD) .No.19812 of 2019

and

W.M.p. (MD) .Nos.16305 and 16306 of 2019

16.09.2019

_KM/(16.10.2019) 3P 6C