



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**

AND

THE HONOURABLE MR.JUSTICE **SENTHILKUMAR RAMAMOORTHY**

W.P. (MD) No.24162 of 2018

and

W.M.P (MD) Nos.21855 and 21856 of 2018

Sudalai

.. petitioner

Vs.

1.The Commissioner,
Election Commissioner for
Tamil Nadu Co-operative Society,
273, Anna Salai,
Chennai.

2.The Deputy Registrar / District Election Officer,
Office of the Deputy Registrar,
Co-operative Society,
Tuticorin.

3.The Election Officer,
Thili, Thani 52, Kayathar Primary Agricultural
Credit Co-operative Society,
Kayathar,
Tuticorin District.

4.C.Selvakumar

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the files of the 1st respondent pertaining to its order bearing Na.Ka.No.3571 / 2018 Koo.Thae.2 dated 27/06/2018 and to quash the same and consequently direct the respondents to declare the result of the election of 3rd respondent society.

For Petitioner : Mr.C.Herold Singh

For Respondents : Mr.K.Chellapandian
Addl. Advocate General
assisted by
Mr.V.R.Shanmuganathan
Spl. Govt. Pleader
(for R2 and R3)
Mr.G.Rajendran
Standing Counsel (for R1)
Mr.Jegadesh Pandian
(for R4)



O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J**]

This writ petition is filed challenging the order of the first respondent Commissioner, dated 27.06.2018, cancelling the election to the subject matter co-operative society.

2.The contention of the petitioner is that he is one of the elected Directors to the subject matter society and therefore, the cancellation of the election by the Commission is without any justification.

3.Heard both sides.

4.The learned Special Government Pleader invited our attention to the order passed by the Special Committee constituted by this Court dated 06.02.2019 and submitted that the Committee has directed the Election Commission to act as per the order to be passed in the present writ petition. He also pointed out that the Committee found that the rejection of the nomination of one C.Selvakumar is bad and therefore, has set aside the rejection of such person's nomination. However, as the present writ petition is pending before this Court, the Committee has directed the Election Commission to act as per the direction to be issued in this writ petition.

5.It is seen that the first respondent Commission in this writ petition has directed the election process to commence from the stage of scrutinizing nomination. Therefore, we are of the view that the petitioner, who is also one of the contestants, is also entitled to contest, provided his nomination is accepted after scrutiny. Therefore, when such process has been ordered to commence from that stage, we are not inclined to interfere with the impugned order.

6.Accordingly, this Writ Petition is disposed of by directing the Election Officer to commence the election process from the stage of scrutinizing nomination and thereafter, conduct the election by following the due procedure and declare the results thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Commissioner,
Election Commissioner for
Tamil Nadu Co-operative Society,
273, Anna Salai,
Chennai.



2.The Deputy Registrar / District Election Officer,
Office of the Deputy Registrar,
Co-operative Society,
Tuticorin.

WEB COPY

3.The Election Officer,
Thili, Thani 52, Kayathar Primary Agricultural
Credit Co-operative Society,
Kayathar,
Tuticorin District.

+1 CC to M/s.SPL GP (SR-76389[F] dated 19/07/2019)

+1 CC to M/s.G.RAJENDRAN, Advocate (SR-75915[F] dated 18/07/2019)

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-76169[F] dated
18/07/2019)

W.P. (MD) No.24162 of 2018
and
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SKN
JM/26.07.2019/3P-7C