



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
AND  
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P(MD)NO.21101 OF 2019**

**and**

**W.M.P(MD)Nos.17744 and 17746 of 2019**

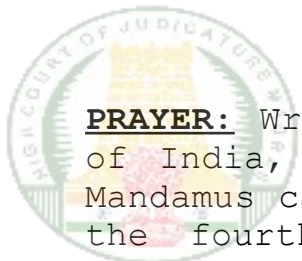
M.Murugan

:Petitioner

.vs.

1. The Registrar of Cooperative Societies,  
Chennai.
2. The Commissioner,  
Tamil Nadu State Co-operatives Election Commission,  
Kamadhenu Supermarket Building,  
273, Scheme Road,  
Subbarayan Nagar,  
Teynampet,  
Chennai,  
Tamil Nadu - 600 018.
3. The Deputy Registrar of Co-operative Societies/  
The District Election Officer,  
The Office of the Deputy Registrar of Cooperative  
Societies,  
Thirumangalam,  
Madurai District.
4. The Secretary,  
The Committee on Cooperative Societies Election Cases,  
South Zone, Madurai.
- 5.The President,  
MD.SPL.104, Kodikulam Primary Agricultural Cooperative  
Credit Society,  
Kodikulam Post,  
Usilampatti Taluk,  
Madurai District.

: Respondents



**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records for the impugned order passed by the fourth respondent under Proceeding No.001/SJC/H/2018(205), dated 12.7.2019 as far as directing the second respondent to continue the Election with the list of other accepted nominations by issuing election schedule for conducting the election to the fifth respondent Society and its consequential Election Programme passed by the second respondent under Na.Ka.No.2832/2019/Koo.The.2 (6), dated 23.09.2019 with the voters list of 2018 to quash the same as illegal respectively and further to direct the second and third respondents to commence the Election Process to the fifth respondent society from scrutiny of the voters list and filing of nomination for candidates.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.K.Chellapandian  
1,3 and 4 Addl.Advocate General  
assisted by  
Mr.A.K.Baskarapandian,  
Special Government Pleader

For Respondent-2 : Mr.G.Rajendiran  
Standing Counsel

**O R D E R**

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[Order of the Court was made by **T.S.SIVAGNANAM**.

We have heard Mr.K.R.Laxman, learned counsel appearing for the Petitioner and Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.A.K.Baskarapandian, learned Special Government Pleader, who accepts notice on behalf of the respondents 1,3 and 4 and Mr.Rajendran, learned Standing Counsel who accepts notice on behalf of the second respondent.

2.By consent of either side, the Writ Petition is taken up for final disposal.

3.The Petitioner has challenged the order passed by the second respondent, by which, the Petitioner's nomination found to be not sustainable, as he suffers from disqualification, as the Petitioner's brother-in-law is one of the paid employee of the respondent/Society. This fact has not been denied by the Petitioner and that the Petitioner cannot question the correctness of the order passed by the second respondent. The endeavour of the Petitioner is to postpone the election and it is stated that now



the Committee on Elections to proceed after deleting the Petitioner's nomination from the voters list of valid nominations and this should not be done and the voters list has to be revised.

4. One of the contentions raised by the learned counsel for the Petitioner is that in the list of valid nominations, name of one Paurajammal has been mentioned and it shows that she was reported dead on 5.3.2019.

5. The learned Additional Advocate General, on instructions, submitted that the last date for receipt of nominations is 30.4.2018 and 40 nominations were received inclusive of the Petitioner. After scrutiny on 2.5.2018, 37 nominations were declared to be valid nomination and on the same day, 11 persons have withdrawn their nominations, leaving 26 nominations to be valid nominations including that of the Petitioner. The Petitioner's nomination was challenged and ultimately, the second respondent has held that the Petitioner suffers from disqualification. Therefore, in the list of valid nominations published on 3.5.2018, the name of Tmt. Paulrajammal immediately finds place, as she died only on 5.3.2019 and that the ballot papers are printed and her name was also printed. This submission of the learned Additional Advocate General is placed on record.

6. The learned counsel for the petitioner submitted that when a person dies, the election should be postponed and the Representation of People's Act should be applied. Such contention cannot be put-forth by the Petitioner should be laid down, as he does not have any locus-standi to do so, as his nomination has been held as invalid, as he suffers from disqualification. The Petitioner cannot canvass the case of a third party indirectly which he cannot achieve directly. Apart from that, this Court finds no error in the direction issued by the second respondent in proceeding with the election from the date on which the list of valid nominations were published. Thus, we find no error in the impugned order, dated 12.7.2019 as well as the consequential order, dated 23.9.2019.

7. For the above reasons, the Writ Petition fails and accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS )



To

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MD.SPL.104, Kodikulam Primary Agricultural Cooperative  
Credit Society,  
Kodikulam Post,  
Usilampatti Taluk,  
Madurai District.

+1 CC to M/s.K.R. LAXMAN, Advocate ( SR-90961[F] dated  
03/10/2019 )

+1 CC to SPECIAL GOVERNMENT PLEADER ( SR-91222[F] dated  
03/10/2019)

**ORDER MADE IN  
W.P(MD)NO.21101 OF 2019  
and  
W.M.P(MD)Nos.17744 and  
17746 of 2019  
01.10.2019**

**vsn**

AE/ (16.10.2019) 4P 8C