



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.21203 of 2019

and

W.M.P.[MD]Nos.17843 & 17844 of 2019

Balasubramani

: Petitioner

Vs.

- 1.The Cooperative Election Commissioner,
Tamil Nadu State Co-operative Societies Election
Commission,
273, Kamadhenu Super Market 1st Floor,
Anna Salai,
Chennai - 18.
- 2.The Chairperson,
The Committee on Co-operative Election Cases,
West Central Zone,
Coimbatore.
- 3.The District Election Officer / The Deputy Registrar of
Co-operative Societies,
Dindigul District, Dindigul.
- 4.The Electoral Officer,
A-2962 Sivagnanapuram Primary Agriculture
Co-operative Credit Society,
Sivagnanapuram,
Kullichettipatti Post,
Nilakottai Taluk,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the second respondent in Case No.174/2018 dated 05.07.2019 and its consequential election notification of the third respondent dated 27.09.2019 and quash the same as illegal and consequently directing the respondents to conduct fresh election to the A-2962 Sivagnanapuram Primary Agriculturist Co-operative Credit Society in fare and free manner with in time frame fixed by this Court.



For Petitioner
For Respondents

: Mr.T.Vadivelan
: Mr.K.Chellapandian
Additional Advocate General
Assisted by Mr.A.K.Baskara Pandian
Special Government Pleader

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O R D E R

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

This writ petition has been filed praying to quash the order passed by the Special Committee constituted for hearing Election cases under the Tamil Nadu Cooperative Societies Act, 1983.

2.The petitioner filed his nomination to be elected to the Board of Directors of the fourth respondent Society. The nomination was rejected and 11 candidates were declared to have been elected. This was put to challenge by the petitioner before the Special Committee in Case No.174 of 2018. The Special Committee held that the rejection of the nomination of the appellant is not sustainable and accordingly, granted relief to the petitioner. The petitioner though is agreeable to the findings rendered by the Special Committee has now come by way of this writ petition stating that the Committee ought to have directed the entire election process to be redone from the stage of filing of nominations and should not be restricted to elections to the Board of Directors under the General category. In other words, it is the submission of the learned Counsel that the entire election should be redone from the stage of filing of nomination.

3.Learned Additional Advocate General submitted that in terms of Rule 34 of the Election Rules, the elections if declared to be unsustainable, then such declaration should be up to the stage where the error has occurred and it is not necessary that the entire election process should be redone. In our considered view, the necessity to consider all these aspects at this stage in a writ petition does not arise as elections have been conducted today and polling has commenced and the petitioner is one of the candidates.

4.Therefore, we close this Writ Petition leaving open the legal issues raised by the petitioner to be adjudicated before the appropriate forum, if so advised. However there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)



To

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Dindigul District.

+1 CC to M/s.T.VADIVELAN, Advocate (SR-91318[F] dated 04/10/2019)

+1 CC to M/s.GP (SR-91572[F] dated 04/10/2019)

Order made in
W.P.[MD]No.21203 of 2019
Dated: 03.10.2019

MR

JMN(25.10.2019) 3P : 7C