



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2019

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

W.P. (MD) No.19382 of 2018

and

W.M.P (MD) No.17219 & 17220 of 2018 & 3080 of 2019

N.P.Saravanan

.. petitioner

Vs.

1.The State Election Commission,
Tamil Nadu Cooperative Societies
Election Commission,
Chennai.

2.The Assistant Director of Silk and
Handloom Weavers Department,
District Election Officer, Kumbakonam Range,
SIPCO Nagar, Thirubuvanam,
Thanjavur District.

3.The Joint Director / Election Officer,
Z-322 Thirubuvanam Silk and Handloom
Weavers Cooperative Society,
Kuralagam, 2nd Floor, Chennai.

4.G.Thiagarajan

5.L.S.Jothi

6.Ko.Ki.Baskar

7.M.Sekar

8.R.Rajan

9.J.V.Ambikapathi

10.S.Prema

[R4 to R10 are suo motu impleaded

<https://hcservices.depts.dcourts.gov.in/hcservices/>
vide court order dated 08.02.2018]

..Respondents



PRAYER: Writ 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 impugned order issued by the 3rd respondent in his proceedings dated 27.08.2018 and quash the same and consequently forbearing the respondents from in any way conducting the elections to the post of President and Vice President of Z 322 Thirubuvanam Silk and Handloom Weavers Cooperative Society, Thanjavur District on the basis of the petitioner's representation dated 28.08.2018.

For Petitioner : Mr.B.Janath Ahmed

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.B.Jameel Arasu
(for R4 to R10)

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 third respondent/Election Officer dated 27.08.2018, wherein and whereby, the Election Officer listed out the names of the contesting candidates for the election to the subject matter society, thereby leaving the petitioner's name. In other words, the challenge made in this writ petition is against the rejection of the petitioner's nomination.

2.Heard both sides.

3.This Court has consistently taken a view that an aggrieved party in respect of election to the co-operative society has to challenge the election, after the declaration of the results, only by filing an application under Section 90 of the Co-operative Societies Act. Therefore, it is for the petitioner to work out his remedy after the declaration of the results by filing a petition under Section 90 of the Co-operative Societies Act.

<https://hcservices.ecourt.gov.in/hcservices/>

These writ petition is disposed of without expressing any view on the merits of the contention raised by the petitioner,



however, by granting liberty to the petitioner to work out his remedy under Section 90 of the Co-operative Societies Act, after declaration of results. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The State Election Commission,Tamil Nadu Cooperative Societies Election Commission,Chennai.
- 2.The Assistant Director of Silk and Handloom Weavers Department, District Election Officer, Kumbakonam Range, SIPCO Nagar, Thirubuvanam, Thanjavur District.
- 3.The Joint Director / Election Officer,Z-322 Thirubuvanam Silk and Handloom Weavers Cooperative Society, Kuralagam, 2nd Floor, Chennai.

+1cc to Mr.B.Janathkumar,Advocate, SR.No. 75902

+1cc to Mr.B.Jameel Arasu,Advocate, SR.No.76047

+1cc to the Spl.Govt.Pleader Sr.No.76288

W.P. (MD)No.19382 of 2018
and

W.M.P (MD)No.17219 & 17220 of 2018
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NA (23.07.2019) 3P :7C