



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.23866 of 2019

and

W.M.P.[MD]No.20489 & 20490 of 2019

Chelladurai

: Petitioner

Vs.

- 1.The Committee on Cooperative Societies Election Cases,
South Zone,
Madurai.
- 2.The Election Commissioner,
Tamil Nadu Cooperative Societies Election Commission,
Kamadenu Cooperative Super Market Building,
271, Scheme Road,
Teynampet,
Chennai.
- 3.The District Election Officer / Deputy Registrar
of Cooperative Societies,
Paramakudi Circle,
Paramakudi,
Ramnad District.
- 4.The Returning Officer (Election),
The Secretary,
Pudukottai Primary Agricultural Cooperative Credit Society,
Kamuthi Taluk,
Ramnad District.
- 5.The Secretary,
RP5, Kovilankulam Primary Agricultural
Cooperative Credit Society,
Kamuthi Taluk,
Ramnad District.
- 6.Alagau Saravanan
- 7.Boominathan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records pertaining to the order passed by the first respondent in his



proceedings in PROC.No.001/SJC/H/2018 (PR-88) dated 27.08.2019 and the consequent order passed by the first respondent in his proceedings in PROC.No.001/SJC/H/2018 (PR-89) dated 27.08.2019 and quash the same as illegal.

For Petitioner : Mr.T.A.Ebenezer
For Respondents 3&4 : Mr.A.K.Baskara Pandian
Special Government Pleader
For Respondent No.2 : Mr.G.Rajendiran

O R D E R

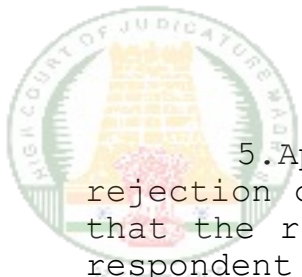
[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.T.A.Ebenezer, learned Counsel appearing on behalf of the petitioner, Mr.G.Rajendiran, learned Counsel appearing on behalf of the second respondent and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of the respondents 3 and 4.

3.The petitioner is aggrieved by an order passed by the Hon'ble Committee on Cooperative Societies Election cases dated 27.08.2019, whereby the Hon'ble Committee had set aside the entire election conducted by the respondent Society. The contention advanced by Mr.T.A.Ebenezer, learned Counsel for the petitioner is that respondents 6 and 7 are not aggrieved persons and none of the 42 candidates whose nominations were rejected had objected to the rejection and in such circumstances, as directed by the Hon'ble Division Bench, in the case of ***R.Sakkarapani Vs. State of Tamil Nadu in W.P.No.7526 of 2018 etc., batch dated 03.08.2018***, the Committee can go into aspects with regard to the validity of cancellation of election, only if the complaint is given by the aggrieved member.

4.The Hon'ble Division Bench constituted Committee so as to provide a speedy remedy in election disputes arising out of elections conducted in various Cooperative Societies throughout the State. In the course of enquiry, the committee is well within its jurisdiction to consider as to whether a free and fair election is conducted. In the instant case, the Hon'ble Committee has noted that the election committee had cancelled the entire election to the respondent society and this is stated to have been known to the Joint Registrar. Therefore, he addressed a letter to the Election Commission stating that the election to the Board of Directors was over on 03.04.2018 and permission may be granted to proceed with the further stage of election. This letter was considered and the Election Commission permitted to proceed with the election for electing the President and Vice-President, presuming that the election was only adjourned and not cancelled. This factual mistake has been noted by the Hon'ble Committee.



5. Apart from that, the Hon'ble Committee examined the rejection of 42 nominations out of 53 nominations received and found that the rejection was for a flimsy reason as the full name of the respondent society has not been written. As a result of rejection of 42 nominations, 11 candidates had to be declared elected without a formal election process. All these aspects led to passing of the impugned order.

6. In our considered opinion, what is required to be seen in an election is that the elector should be able to choose their representative in an election which is conducted in a fair and proper manner. There cannot be any private arrangement or deal between the candidate who seeks to be elected and the elector or there cannot be any arrangement between the persons who have filed nominations and the persons who contest the election. Thus, we find there is no ground made out by the petitioner to interfere with the order passed by the Hon'ble Committee.

7. Accordingly, the Writ Petition is dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1. The District Election Officer / Deputy Registrar
of Cooperative Societies,
Paramakudi Circle,
Paramakudi,
Ramnad District.

2. The Returning Officer (Election),
The Secretary,
Pudukottai Primary Agricultural Cooperative Credit Society,
Kamuthi Taluk,
Ramnad District.

+1 CC to MR.G. RAJENDRAN, Advocate (SR-98042[F] dated 13/11/2019)

+1 CC to M/s.T.A. EBENEZER, Advocate (SR-98046[F] dated
13/11/2019)

+1 CC to SPL.GP (SR-98396[F] dated 14/11/2019)

Order made in

W.P. [MD]No.23866 of 2019

Dated: 13.11.2019

MK (05.12.2019) 4P 6C

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