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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.24099 of 2019

and

W.M.P(MD) .Nos.20702 and 20703 of 2019

P.Thangavel

... Petitioner

Vs.

- 1.The State Election Commissioner,
Tamil Nadu Cooperative Societies,
Election Commission,
Kamadenu Supermarket Complex,
Teynampet, Chennai-18.
- 2.The Deputy Registrar of Co-operative Societies/
Srivilliputhur Region Co-operative Societies Election Officer,
Srivilliputhur Region, Srivilliputhur Post,
Virudhunagar District.
- 3.The Election Officer,
O.111, Seithur Primary Agricultural,
Co-operative Bank,
Seithur Post-626 121,
Rajapalayam Taluk,
Virudhunagar District.
- 4.The Inspector of Police,
Seithur Police Station,
Seithur Post-626 121,
Rajapalayam Taluk,
Virudhunagar District.

... 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 in pursuant to the impugned order passed by the second respondent in Na.Ka.No.911/2018/Sa.Pa. dated 08.11.2019 and quash the same and consequently direct the respondents to scrutiny the election nomination forms submitted for election of Board of Directors in O.111, Seithur Primary Agricultural Co-operative Bank, Rajapalayam Taluk, Virudhunagar District, in the presence of observer appointed by this Court and to conduct the election afresh in a free and fair manner and as per Tamil Nadu Co-operative Societies Act and Rules.



For Petitioner
For Respondents

: Mr.M.Saravanakumar
: Mr.K.Chellapandian
Additional Advocate General
assisted by Mr.A.K.Baskarapandian
Special Government Pleader

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O R D E R

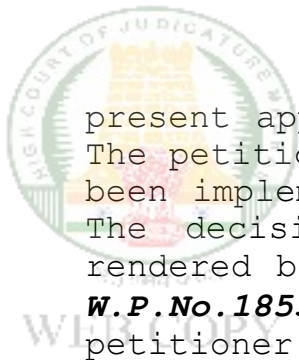
(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.M.Saravanakumar, learned counsel appearing for petitioner and Mr.K.Chellapandian, learned Additional Advocate General assisted by Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for respondents.

2.This writ petition has been filed to quash the notification dated 08.11.2019 fixing the date for publication and declaration of the validity elected Board of Directors of the respondent society and as well as for declaration of the President and Office-bearers of the respondent society.

3.The learned Additional Advocate General submits that pursuant to the notification, at 10.00 a.m., today, the list has been declared.

4.The petitioner's case is that the last date of receipt of nomination was fixed on 09.04.2018 and he has filed his nomination. However, he is not aware whether it was rejected or not, but now, all of a sudden, the impugned notification is issued. We do not accept the stand taken by the petitioner, because, totally there were 36 nominations including the petitioner, out of which, 24 persons have been rejected. Three of the persons, whose nomination were rejected, have filed writ petition before this Court and one such writ petition filed by A.Petchiyappan in W.P(MD)No.10818 of 2018 stood transferred to the Hon'ble Committee on Co-operative Societies Election Cases, South Zone and the committee dismissed the challenging and confirming the rejection of nomination by order dated 29.08.2019. The petitioner had not taken any steps to challenge the rejection of the nomination, which happened as early as on 23.04.2018. The argument advanced by the learned counsel for the petitioner before us is that till date, the orders have not been communicated. The stand taken cannot be sustained for several reasons, firstly, three of the candidates whose nomination, which have been rejected, was challenged and the rejection has been affirmed by the Special Committee. Therefore, at this juncture, we are not inclined to believe the stand taken by the petitioner that he was not aware of the rejection of the nomination. Further, we are of the view that the petitioner is sensate and watching the proceedings and when the impugned notification was issued, the



present apprehends is that he has to stop the entire proceedings. The petitioner has failed to notice as the impugned notification has been implemented and the candidates names have been declared today. The decision relied by the learned counsel for the petitioner rendered by the learned Single Judge in the case of **P.Renukumar in W.P.No.18552 of 2019** etc., can be no manner improve the case of the petitioner.

5.Considering the facts and circumstances which we have noted above, we are not inclined to issue any direction as prayed for. Hence, Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The State Election Commissioner,
Tamil Nadu Cooperative Societies,
Election Commission,
Kamadenu Supermarket Complex,
Teynampet, Chennai-18.

2.The Deputy Registrar of Co-operative Societies/
Srivilliputhur Region Co-operative Societies Election Officer,
Srivilliputhur Region, Srivilliputhur Post,
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O.111, Seithur Primary Agricultural,
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4.The Inspector of Police,
Seithur Police Station,
Seithur Post-626 121,
Rajapalayam Taluk, Virudhunagar District.

+1CC to M/s.M.SARAVANA KUMAR, Advocate (SR-98206[F] dated 14/11/2019
+1 CC to M/s.SPL GP (SR-98843[F] dated 15/11/2019)

Writ Petition (MD).No.24099 of 2019

SMA/16/12/19/3P/7C

14.11.2019