



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.24292 of 2019

and

W.M.P. (MD) Nos.20902 & 20905 of 2019

A.Murugan

... Petitioner

-vs-

1.The Commissioner

Tamilnadu State Co-operative
Society Election Commission
273, Scheme Road,Subbarao Nager
Thenampet, Chennai

2.The Joint Registrar of Co-Operative Society
Sivagangai,Sivagangai District

3.The Deputy Registrar of Co-operative Society
District Election Officer
31, Muthulakshmi Illam
Annanagar,
Karaikudi, Sivagangai District

4.Election Officer
NN602. Perattukottai Primary Agricultural
Credit Co-operative Society
Perattukottai
Devakottai Taluk
Sivagangai District

5.NN602.Perattukottai Primary
Agricultural Credit Co-Operative Society
Perattukottai, Devakottai Taluk
Sivagangai District
Rep.by its Secretary

6.M.Kalirajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the documents pertaining to the order passed by Committee on Co-operative Society Election Case South Zone Madurai in proceeding No.001S/SJC/H/2018(249) dated 04.09.2019 and the consequential order passed by the first respondent in Na.Ka.3541/2019/Koo.The2(7) dated 06.11.2019 and quash the same as illegal and forbear the respondents



1 to 4 from disturbing the post of petitioner as one of the board member of 5th respondent society for the period from 2018 to 2023.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.G.Rajendiran

Standing Counsel for R1

Mr.A.K.Baskarapandian

Special Government Pleader for R2 & R3

WEB COPY

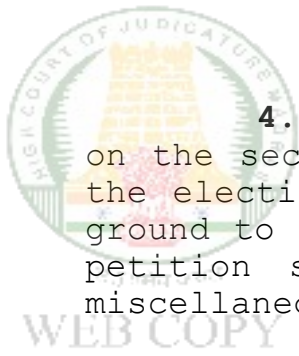
O R D E R

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

This writ petition has been filed challenging the order, dated 04.09.2019, passed by the Honourable Committee on Co-operative Societies Election Cases and the consequential election schedule drawn by the Election Commission, dated 06.11.2019.

2. The election for the general category of vacancies to the post of Board of Directors of the respondent Co-operative Society is going on today (18.11.2019) and the results are to be declared tomorrow (19.11.2019). The learned counsel for the petitioner would submit that there were two elections conducted to the general category of vacancies to the post of Board of Directors and in the first election, the sixth respondent's nomination was rejected, which was the subject matter of challenge by way of a writ petition, which ultimately stood transferred to the Honourable Committee and the Committee by the impugned order, dated 04.09.2019, held that the rejection of the sixth respondent's nomination was illegal. While doing so, the correctness of the candidature of the petitioner was also decided and the Committee held that there is nothing wrong. However, while allowing the sixth respondent's appeal, the Committee directed the Election Commission to conduct election for all the vacancies and this order affects the petitioner, because he has got elected in the second election conducted for one vacancy in the general category.

3. At the first blush, the argument of the learned counsel for the petitioner was impressive, however, on close scrutiny, we find that the notification issued by the Election Commission inviting nominations and conducting elections for all the six vacancies in the general category is correct, because in the first election, which was conducted, the nomination of the sixth respondent was rejected. Secondly, there was one vacancy, which remained unfilled in the general category, which was notified for election for the second time. In that, there was no contest and the petitioner being the only nominee was declared elected. The sixth respondent has succeeded before the Honourable Committee and the rejection of his nomination having been held to be unsustainable, it goes without saying that all the six candidates, who were selected in the general category, have to face fresh election.



4. The petitioner can have no vested claim to continue based on the second election, which itself was subject to the outcome of the election of the sixth respondent. Therefore, we find no valid ground to interfere with the impugned order. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

krk

To:

1.The Joint Registrar of Co-Operative Society,
Sivagangai,
Sivagangai District.

2.The Deputy Registrar of Co-operative Society,
District Election Officer,
31, Muthulakshmi Illam,
Annanagar,
Karaikudi, Sivagangai District.

+1 CC to M/s.K.P. NARAYANA KUMAR, Advocate (SR-99313[F] dated 19/11/2019)

+1 CC to M/s.G.RAJENDRAN, Advocate (SR-99399[F] dated 19/11/2019)

+1 CC to M/s.GP (SR-99542[F] dated 19/11/2019)

SMA/17/12/19/3P/6C

W.P. (MD) No.24292 of 2019

and

W.M.P. (MD) Nos.20902 & 20905 of 2019

18.11.2019