



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P. (MD) No.24307 of 2019
and W.M.P. (MD) No.20928 of 2019**

R.Bakthavathsalam

... Petitioner

-vs-

- 1.The State Government of Tamil Nadu,
Represented by its Secretary to the Government,
Department of Food and Cooperative Societies,
Chennai - 5.
- 2.The Election Commissioner,
Tamil Nadu State Co-operative Societies
Election Commission,
No.273, Kamadhenu Supermarket (1st Floor),
Annasalai, Chennai - 600 018.
- 3.The Joint Registrar of Cooperative Societies,
Nagercoil,
Kanyakumari District.
- 4.The Deputy Registrar of Cooperative Societies/
District Election Officer,
Thuckalay,
Kanyakumari District - 629 175.
- 5.The Election Officer,
Y-70, Charappazhanji Athencode Primary
Agricultural Cooperative Society,
Methukummal Post,
Kanyakumari District - 629 172.
- 6.Y-70, Charappazhanji Athencode Primary
Agricultural Cooperative Society,
Represented by its Special Officer,
Methukummal Post,
Kanyakumari District - 629 172.
- 7.Babu
- 8.Padma Bai
- 9.Nesaraj
- 10.Prabha
- 11.Kumar Benzilar
- 12.Krishnadas
- 13.Rajamani



14.Suja
15.Sundarraaj
16.Reji
17.Devarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings in PROC.No.001/SJC/H/2018(212) dated 24.07.2019 passed by the Hon'ble Committee on Cooperative Societies Election Cases, Madurai and set aside the findings in respect of grounds 2 & 3 alone.

For petitioner	:	Mr.G.Prabhu Rajadurai for M/s.M.P.Senthil
For Respondents 1, 3 to 6	:	Mr.A.K.Baskarapandian Special Government Pleader
For 2 nd Respondent	:	Mr.G.Rajendran
For 9 th Respondent	:	Mr.M.Jerin Mathew

O R D E R

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

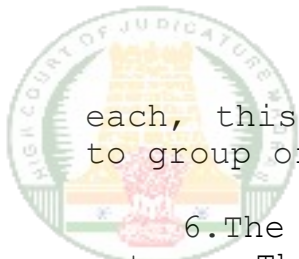
This Writ Petition has been filed by one R.Bakthavathsalam, who is the Member of the respondent Cooperative Society and he seeks to challenge the order of the Hon'ble Committee on Cooperative Societies Election Cases, Madurai.

2.Two grounds have been raised in the Writ Petition. The first ground is that the respondent Society has two category of members. One is called A Class members, who have one vote each and the other is group members, consisting of several members, but one group will have one vote.

3.It is submitted by the learned Special Government Pleader appearing for the respondents 1 and 3 to 6 on instructions that the respondent Society has 106 such groups and all those members of the 106 groups are also A Class members of the Society and all of them have individual votes for the ensuing election.

4.The stand taken by the respondent Cooperative Society is that each of the individual group being A class member enjoying one vote and the members of the group being A class members enjoying one vote.

5.In our considered view the decision taken by the Hon'ble Committee is perfect. If individual A class members have one vote each and the groups consisting of A class members have one vote



each, this may result in disastrous and result in undue importance to group of parties.

6.The second ground is large scale of disqualification of the voters. This is on account of the fact that several of the voters, who had exercised their franchise during 2010 election, have not paid the enhanced share. The learned counsel appearing for the petitioner would submit that they should be given opportunity to pay and large scale of members, about 600 are unable to exercise their franchise. However, the enhanced share from Rs.10/- to Rs.100/- was based on the decision taken in the General Body Meeting of the Society conducted on 05.10.2010 pursuant to the notification issued by the then Special Officer. This notification has also been published in the newspaper. Therefore, at this juncture nobody can be permitted to pay the enhanced share to participate in the election. Therefore, the petitioner would not be justified in canvassing for other persons, who have no votes. Hence, both the grounds raised by the petitioner have no merit acceptance.

7.In view of the above, the Writ Petition is dismissed. Consequently, connected W.M.P. is closed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

sj

To

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+1 CC to M/s.M.P. SENTHIL, Advocate (SR-100138[F] dated
21/11/2019)

+1 CC to M/s.G. RAJENDRAN, Advocate (SR-100234[F] dated
21/11/2019)

+1 CC to M/s.SPL GP (SR-100383[F] dated 21/11/2019)

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KG (CO)
TR(20.12.2019) 4P 10C