



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.24482 of 2019

and

W.M.P.[MD]Nos.21104 to 21106 of 2019

Panneer Selvam

: Petitioner

Vs.

1.The Commissioner,
Tamil Nadu State Co-operative Society Election Commission,
Kamatheanu Super Market Building,
No.273/3, 1st Floor,
Annasalai, Theanampettai,
Chennai.

2.The Joint Registrar,
Paramakudi Co-operative Society,
Paramakudi,
Ramnad District.

3.The Additional Registrar / District Election Officer,
Paramakudi Co-operative Society,
Paramakudi.

4.Y.Kannan

5.Selvaraj

6.Muthu Ramu

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Election Notification of the third respondent dated 13.11.2019 published in Daily Thanthi News Paper for the Election for the board members of Executive Committee (Open Category) for the Q 1285, Kavadiipatty Primary Agriculture Co-operative Credit Society, Kavadiipatty, Kamuthi Taluk, Ramanathapuram District and consequently direct the respondents 1 to 3 to conduct the Election without allowing the persons to contest in the Election those who are disqualified as per proceedings of the second respondent dated 14.12.2018.



For Petitioner : Mr.R.Babu Jaganath

For Respondent No.1 : Mr.G.Rajendiran
Standing Counsel

For Respondents 2&3 : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

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

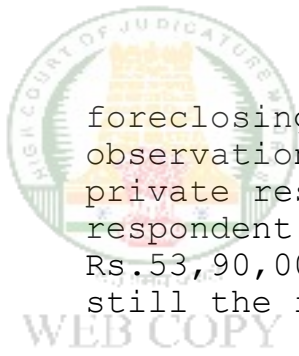
By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2.We have elaborately heard Mr.R.Babu Jaganath, learned Counsel appearing on behalf of the petitioner, Mr.G.Rajendiran, learned Standing Counsel appearing on behalf of the first respondent and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of the respondents 2 and 3.

3.By way of this writ petition, the petitioner who is a candidate for election to an Agricultural Co-operative Credit Society is before this Court by way of this writ petition alleging that the private respondents suffer serious disqualification to even contest in the election which is being conducted today ie.,20.11.2019.

4.Earlier, the petitioner had approached this Court challenging the rejection of his nomination. Ultimately, the matter went before the Hon'ble Committee and an order was passed and election was notified and it has been conducted. It is not known as to why the petitioner did not raise objections much earlier. According to the petitioner, earlier, representations have been made pointing out that respondents 5 to 7 are all arrayed as accused in Crime No.1 of 2019 on the file of the CCIW Police, Ramanathapuram. These are all issues which the petitioner should have pursued before the appropriate authorities at the appropriate time, since the election was notified much earlier. Since the relevant documents are not placed on record, we are unable to rightly verify all the dates and events. However, what is clear is that the election notification was directed to be issued by the Hon'ble Committee at the instance of the writ petitioner and fresh elections were notified to the general category and such notification dated 30.11.2019 placed in paragraph No.11 of the typed set shows that it shall include the name of the petitioner Panneer Selvam.

5.Therefore, in our considered view, we cannot interdict the election process at this juncture. This does not mean that we are



foreclosing the rights of the petitioner nor we are making any observation on the allegation made by the petitioner as against the private respondents. It is stated by the petitioner that the fourth respondent has misappropriated the Society funds to the tune of Rs.53,90,000/. If all these according to the petitioner is correct, still the remedy is available to the petitioner.

6.With the above observation, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1.The Commissioner,
Tamil Nadu State Co-operative Society Election Commission,
Kamatheanu Super Market Building,
No.273/3, 1st Floor,
Annasalai, Theanampettai,
Chennai.

2.The Joint Registrar,
Paramakudi Co-operative Society,
Paramakudi, Ramnad District.

3.The Additional Registrar / District Election Officer,
Paramakudi Co-operative Society, Paramakudi.

+1 CC to M/s.G. RAJENDRAN, Advocate (SR-99874[F] dated 20/11/2019)

+1 CC to M/s.R. BABU JEGANATH, Advocate (SR-100148[F] dated 21/11/2019)

+1 CC to M/s.SPL GP (SR-100349[F] dated 21/11/2019)

Order made in
W.P.[MD]No.24482 of 2019
Dated: 20.11.2019

JMN(10.12.2019) 3P : 7C