



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.25197 of 2019

and

WMP (MD) Nos.21776 & 21777 of 2019

WEB COPY

Kalairajan

... Petitioner

Vs.

1.The Election Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission,
No.273, Annasalai,
Thenampet,
Chennai - 18.

2.The Chairman,
Committee on Co-operative
Societies Election Cases,
South Zone,
Madurai.

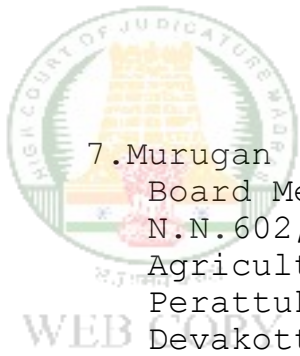
3.The District Election Officer /
Deputy Registrar,
Karaikudi District,
Sivagangai District.

4.The Election Officer,
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.

5.The Electoral Officer,
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.

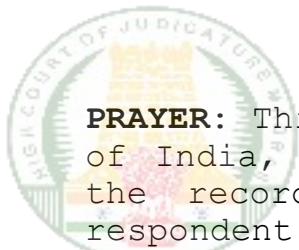
6.N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.

Rep.by its Secretary



- 7.Murugan
Board Member,
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.
- 8.Selvanathan,
Board Member
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.
- 9.Senthil Nathan
Board Member
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.
- 10.Arumugam
Board Member
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.
- 11.Subbiah
Board Member
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.
- 12.Thambi Raja
Board Member
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.

... Respondents



PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in PROC.No.001S/SJC/H/2018(249) dated 04.09.2019 insofar as accepting the nomination of 7th respondent is concerned and the consequential impugned Form 22 issued by the 4th respondent, dated 19.09.2019 and quash the same as illegal and consequently direct the 3rd respondent to conduct election by strictly adhering to the provisions of Rule 52 of the Tamil Nadu Co-operative Societies Rules, 1988 .

For Petitioner : Mr.M.Jerin Mathew

For Respondent-1 : Mr.G.Rajendran
Sr.Standing Counsel

For Respondents : Mr.K.Chellapandian,
(R2 to R5) Addl.Advocate General

Assisted by
Mr.A.K.Baskarapandian,
Spl.Govt.Pleader

O R D E R

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

Heard Mr.M.Jerin Mathew, learned counsel appearing for the petitioner, Mr.G.Rajendran, learned counsel for R1, Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.A.K.Baskarapandian, learned Spl.Govt.Pleader for R2 to R5.

2.This Writ Petition has been filed challenging the order passed by the Hon'ble Committee on Co-operative Societies Election Cases, dated 04.09.2019.

3. Before the Hon'ble Committee, the petitioner raised two contentions. Firstly, the rejection of nomination is not in accordance with law. Secondly, the name of one Murugan has been included in the voters list erroneously and he should not be permitted to participate in the election. So far as the first ground is concerned, the petitioner succeeded before the Hon'ble Committee. So far as the second ground, the Hon'ble Committee verified the list of voters and found that the name of Murugan was found in the voters list and therefore, rejected the second contention. The petitioner is before this Court challenging that portion of the order of the Hon'ble Committee, rejecting the stand of the petitioner that Murugan should not be included in the voters list.



4. Before we examine the correctness of the submissions made by the learned counsel for the petitioner in this writ petition we need to point out that the petitioner accepted the decision of the Hon'ble Committee, participated in the election, however, he was unsuccessful. The elections are over and the list of elected candidates have been declared on 19.11.2019 and the election to the President and Vice President of the Board has also been concluded. Therefore, it is sufficient for us to dismiss the writ petition, however, since we heard the arguments of the learned counsel with regard to inclusion of name of the said Murugan in the voters list, we consider the said contention also.

5. The learned counsel for the petitioner submitted that the first voters list was published on 07.04.2018 did not contain the name of said Murugan, but in the second voters list, which was published on 24.12.2018, his name has been included and the same is illegal.

6. We find that the arguments advanced before us was not placed before the Hon'ble Committee. Therefore, the petitioner is precluded from raising such a contention. Be that as it may, the explanation given by the respondent is that objection has been given by Murugan regarding non-inclusion of his name in the voters list and the same was considered and the name was included in the voters list by the Election Officer. It is only thereafter, the elections have been conducted.

7. In the light of the same, we find there is no error in the order passed by the Hon'ble Committee. As noted above, the election to the Society has been commenced, concluded and the list of elected candidates have also been declared. Hence, at this juncture, the question of interfering with the order passed by the Hon'ble Committee on the grounds raised by the petitioner does not arise.

8. In the result, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

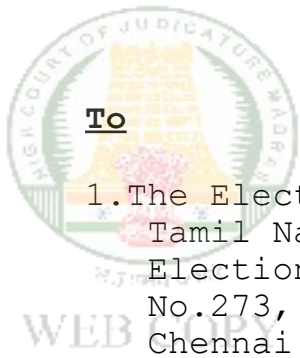
Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar(CS)

MPK



To

- 1.The Election Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission,
No.273, Annasalai, Thenampet,
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- 5.The Electoral Officer,
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.
- 6.The Secretary,
N.N.602, Perattukottai Primary
Agricultural Co-operative Society,
Perattukottai Post,
Devakottai Taluk,
Sivagangai District.

+1 CC to Mr.G. RAJENDRAN, Advocate (SR-102180[F] dated 28/11/2019)
+1 CC to Mr.M.E. ILANGO, Advocate (SR-102269[F] dated 28/11/2019)
+1 CC to SPL GP (SR-102424[F] dated 28/11/2019)

**W.P. (MD) .No.25197 of 2019
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