

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4255 of 2020

and

W.M.P. No. 5024 of 2020

Mr. N. Kirubakaran

... Petitioner

-vs-

1. The State Election Commissioner,
Co-operative Elections,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Anna Salai, Teynampet,
Chennai - 600 0182
 2. The Deputy Registrar of Cooperative Societies/
District Election Officer,
Ranipet, Circle,
Ranipet.
 3. The Managing Director,
C-1252, Arcot Agricultural Producers Cooperative
Marketing Society Ltd.,
Arcot.
 4. Mr. R.K. Narayanan
- Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the proceedings of the election dated 26.03.2018 and the Second Respondent returned the election Petitions vide Na.Ka. 888/2019 SAPA dated 15.03.2019 and vide Na.Ka. No. 4245/2019 SA PA dated 11.11.2019 and quash the same and consequently directing the Respondents to conduct fresh election for Electing Director in Arcot Agricultural Producers Cooperative Marketing Society Ltd.,

For Petitioner : Mr. G. Sathishkumar

For Respondents: Mr. M.S. Palanisamy for R1
Mr. L.P. Shanmugasundaram

Special Government Pleader (Co-operatives) for R2 and R3

O R D E R

Heard Mr. G. Sathishkumar, Learned Counsel for the Petitioner, Mr. M.S. Palanisamy, Learned Standing Counsel who takes notice for the First Respondent and Mr. L.P. Shanmugasundaram, Learned Special Government Pleader (Co-operative) who takes notice for the Second and Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed challenging the order in Na.Ka. 888/2019 SAPA dated 15.03.2019 and Na.Ka. No. 4246/2019 SA PA dated 11.11.2019 passed by the Second Respondent and to consequently direct the Respondents to conduct fresh elections to the Arcot Agricultural Producers Cooperative Marketing Society Ltd.

3. When it was pointed out that the Petitioner has an effective alternative remedy to challenge the orders impugned in this Writ Petition by way of arbitration dispute before the concerned authority under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to resort to the same and has made an endorsement to that effect, which is recorded.

4. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

kv/sj

To

1. The State Election Commissioner,
Co-operative Elections,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Anna Salai, Teynampet,
Chennai - 600 0182

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2. The Deputy Registrar of Cooperative Societies/
District Election Officer,
Ranipet, Circle,
Ranipet.

3. The Managing Director,
C-1252, Arcot Agricultural Producers Cooperative
Marketing Society Ltd.,
Arcot.

+1cc to Mr.L.P. Shanmugasundaram, Advocate SR.No.16184

+1cc to Government Pleader SR.No.16191

W.P. No. 4255 of 2020

SS (CO)
GMY (12/06/2020)



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