

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM :

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.21269 of 2019

and

W.M.P.Nos.20473 and 20476 of 2019

G.K.Ezhil

... Petitioner

Vs.

- 1.The State Election Commissioner,
Cooperative Elections,
Kamadhenu Super Market Building,
No.273, Scheme Road, Subburaya Nagar,
Teynampet, Anna Salai, Chennai - 18.
- 2.The District Election Officer,
(Cooperative Societies),
Tiruvallur Region, Tiruvallur.
- 3.The Deputy Registrar of Cooperative Societies,
Ponneri Circle, Ponneri,
Tiruvallur District.
- 4.The Election Officer,
N.G.1254, Saidapet Taluk Agricultural
Producers Cooperative
Marketing Society Ltd.,
No.293, G.N.T. Road,
Redhills, Chennai.

5.T.Pappa

6.P.Pushparani

7.J.Santhanammal

8.K.Anthony

9.M.Ramesh

10.S.Rajkumar

11.R.Susairaj

12.S.Thenmozhi

... Respondents

[R5 to R12 impleaded as per order dated 27.09.2019
made in W.M.P.No.28365 of 2019 in W.P.21269 of 2019]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 3rd respondent in Dispute No.81/2019/Sa.Pa dated 25.06.2019 and quash the same and consequently directing the respondents to conduct fresh election for electing Board of Directors in N.G.1254, Saidapet Taluk Agricultural Producers Cooperative Marketing Society Ltd., No.293, G.N.T. Road, Redhills, Chennai.

For Petitioner : Mr.C.Prakasam
For R1 : Mr.M.S.Palanisamy
Standing Counsel
For R2 and R3 : Mr.R.Bala Ramesh
Special Government Pleader
For R5 and R6 : Mr.S.Sankar
For R7 to R12 : Mr.Kamadevan

O R D E R

This writ petition has been filed challenging the order passed by the 3rd respondent dated 25.06.2019, wherein, the petitioner had challenged the elections that were conducted for electing Board of Directors for the 4th respondent Society.

2.The main grievance of the petitioner is that the entire election was conducted including the names of bogus persons and also the names of the persons who are not alive. Therefore, according to the petitioner, the entire election is vitiated due to violation of Rule 52(5)(1)(A)(1) and Rule 52(5)(11)(A)(1) of the Tamil Nadu Co-operative Societies Rules.

3.The objections raised by the petitioner by way of Election Petition filed under Section 90 of the Tamil Nadu Co-operative Societies Act was rejected by the 3rd respondent by an order dated 25.06.2019.

4. There is an effective alternative remedy available to the petitioner under Section 153 of the Tamil Nadu Co-operative Societies Act by filing a revision before the concerned Registrar. Without exhausting the remedy, the petitioner has directly approached this Court challenging the order passed by the 3rd respondent.

5. The issue involved in the present case requires appreciation of facts and documents, which can be effectively done before the concerned authority under Section 153 of the Tamil Nadu Co-operative Societies Act. This Court cannot straight away exercise its jurisdiction under Article 226 of the Constitution of India in the light of this alternative remedy available to the petitioner.

6. In view of the above discussion, this Court is not inclined to entertain the present writ petition. It is left open to the petitioner to work out his remedy in accordance with law by filing an appropriate petition under Section 153 of the Tamil Nadu Co-operative Societies Act. The petitioner shall file a revision petition within a period of two weeks from the date of receipt of a copy of this order. The concerned authority shall make all endeavours to dispose of the revision petition within a period of six months from the date of filing of the revision petition.

This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

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Redhills, Chennai.

+1 cc to M/s.R.Balaramesh, Advocate Sr.No. 28707

W.P.No.21269 of 2019

SSI (CO)
RMP (28/09/2020)



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