



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.P. (MD) .No.4735 of 2020
W.M.P. (MD) .Nos.4114 & 4115 of 2020**

S.Mahadevan

.. Petitioner

/Vs./

- 1.The Commissioner,
Tamil Nadu State Co-operative Society Election Commission,
Chennai.
- 2.The Deputy Registrar/The District Election Officer,
Milk Production and Dairy Development Department,
Madurai.
- 3.The General Manager/The Election Officer,
A 1301 Madurai District Milk Producers
Co-operative Union, Madurai.
- 4.K.Tamilarasan
- 5.The President,
M.S.91, T.Kovilpatti Milk Producer,
Co-operative Society,
Melur Taluk, Madurai District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, forbearing the 4th respondent from contesting to the post of President to the 3rd respondent's society under the capacity of President, M.S.91, T.Kovilpatti Milk Producer Co-operative Society, Melur Taluk, Madurai District / 5th respondent, based on the representation, dated 24.02.2020.

For Petitioner : Mr.K.Anbarasan
For Respondents : Mr.G.Rajendran for R1
Mr.K.Chellapandian, for R2
Additional Advocate General
assisted by Mr.E.Mareeskumar



O R D E R

(Order of this court was made by **S.S.SUNDAR, J.**)

This writ petition is filed for issuing a writ of Mandamus forbearing the 4th respondent from contesting the post of President to the third respondent society in M.S.No.91 T.Kovilpatti, Melur Co-operative Milk Producers society, Melur Taluk, Madurai District, based on his representation, dated 24.02.2020.

2.The brief facts that are necessary for the disposal of this writ petition are as follows:

The petitioner states that he is a Milk Producer along with his family and member of M.S.1503 Keelavalavu Milk Producer Co-operative Society, Melur Taluk, Madurai District. The Election commission has issued a press release to conduct Election to Dairy Development Department for Milk Producers Union through out the State to select the Directors, President and Vice President. The first respondent in the present case has issued an Election Notification on 11.02.2020 to conduct the Election to third respondent society. As per the election schedule published by the Election Commission, it is admitted that the voters list will be published in the Notice Board on 19.02.2020 and the last date for filing objections or to remove or include any name in the voters list as 21.02.2020.

3.The case of the petitioner in the present writ petition is that the 4th respondent is not qualified to contest to the post of Director as the society to which he represent is not functioning for several years. Since the 4th respondent has presented his nomination under the capacity of President of the 5th respondent society, which is defunct, the petitioner states that he raised an objection to the inclusion of 4th respondent's name in the voter's list. As per the schedule, such objection ought to have been raised by the petitioner on or before 21.02.2020 to the Election Officer. The petitioner has submitted his objection on 24.02.2020 and thereafter on 28.02.2020. Therefore, the Election Officer is not under any obligation to consider the petitioner's objection which is relating to the qualification of 4th respondent as a member of 5th respondent society.

4.In such circumstances, the petitioner's grievance cannot be addressed by this Court as the Election process has already commenced and the petitioner has given opportunity to put forth his objections within the time prescribed under the election schedule. Therefore, we are not inclined to entertain this writ petition.

6.Hence, this writ petition is dismissed with liberty to the



petitioner to work out his remedy elsewhere in accordance with law.
No costs. Consequently, connected miscellaneous petitions are
closed.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (Crl Side)

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The Commissioner,
Tamil Nadu State Co-operative Society Election Commission,
Chennai.

2.The Deputy Registrar/The District Election Officer,
Milk Production and Diary Development Department,
Madurai.

+1 CC to M/s.G.RAJENDRAN, Advocate (SR-10281[F] dated 05/03/2020)

+1 CC to M/s.E.MAREESH KUMAR, Advocate (SR-10307[F] dated
06/03/2020)

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-10425[F] dated
06/03/2020)

+1 CC to M/s.SPL.GP (SR-10552[F] dated 09/03/2020)

**W.P. (MD) .No.4735 of 2020
05.03.2020**

tm

KK/20.03.2020/ 3P- 7C