



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.03.2020

CORAM

WEB COPY

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

W.P. (MD) .No.4783 of 2020
W.M.P. (MD) .Nos.4154 & 4155 of 2020

Sivakavi

.. Petitioner

/Vs./

1.The State Co-operative Election Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission, 273, Anna Salai, Thenampettai,
Chennai - 18.

2.The Joint Registrar,
Co-operative Societies,
Virudhunagar, Virudhunagar District.

3.The Deputy Registrar/District Election Officer,
Co-operative Societies,
Srivilliputtur, Virudhunagar District.

4.Kasiammal

5.Utchikaliammal

6.Subbulakshmi

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records pertain to the impugned notification vide Na.Ka.911/2018, Ka.Ke.(2), dated 27.02.2020 issued by the 3rd respondent and quash the same as illegal and consequently direct him to issue a fresh notification for conducting Elections for all the candidates for Primary Agriculture Co-operative Society, SP.SPL.36, Padikasuvaithanpatti, Virudhunagar District.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.G.Rajendran, standing counsel for R1
Mr.K.Challapandian, for R2 and R3
Additional Advocate General assisted by
Mr.V.R.Shanmuga Nathan
Special Government Pleader



contest the Election even though the Election Officer has declared the Election in terms of Rule 52 (9) of the Tamil Nadu Co-operative Societies Rules.

5. When the Committee has specifically set aside the Election only in respect of the General and Scheduled Caste category, the Election pursuant to the notification in 2018 in respect of Women category cannot be challenged subsequently on the strength of the petitioner's objection earlier in the writ petition filed by him challenging the Election on the ground that his nomination was wrongly rejected. The petitioner stood in the Scheduled Caste category. Therefore, he is not a person aggrieved. The attempt or the aim of the petitioner appears to stall the Election on frivolous ground. The only ground urged by the petitioner in the writ petition is that the third respondent erred in declaring three women candidates earlier under Woman category without reserving one seat for woman candidate belonging to Scheduled caste community. The Election of candidates under General category and SC category is set aside and therefore, fresh Election is going to be conducted by the impugned notice. In such circumstances, the petitioner has come forward with some reasons just to make it appears as if he is really aggrieved without cause of action being disclosed in the writ affidavit. The declaration of results in respect of candidates under Woman category in 2018 is not challenged earlier. Even as per the decision of Honourable Division Bench of this Court no such complaint can be entertained. Petitioner has not produced any rule of reservation requiring atleast one of the Woman candidate from SC Category. Therefore, this Court is of the view that the petitioner has come before this Court with malafide intention to stall the Election with ill motive.

6. Therefore, this writ petition is dismissed with cost of Rs.5,000/- payable to the Legal Services Authority, Madurai Bench of Madras High Court, Madurai within a period of two weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Copy to:

The Officer In-charge,
High Court Legal Service Committee,
Madurai Bench of Madras High court, Madurai

+1 CC to SPL.GP (SR-10560[F] dated 09/03/2020)

+1 CC to Mr.G.RAJENDRAN, Advocate (SR-10614[F] dated 09/03/2020)

+1 CC to Mr.T.INDRACHITHU, Advocate (SR-10726[F] dated 10/03/2020)

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MK (20.03.2020) 4P 8C