



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

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

**W.P. (MD) .No.4733 of 2020
W.M.P. (MD) .Nos.4112 & 4113 of 2020**

R.P.Mariappan

.. Petitioner

/Vs./

- 1.The Committee on Co-operative Societies,
Election Cases, South Zone,
Madurai, rep. by the Secretary,
 - 2.The State Election Commissioner,
Tamil Nadu State Co-operative Society,
Election Commission,
Chennai - 600 018.
 - 3.The Election Voters List Officer,
Sp.Spl.36, Padikasuvithapatti Primary Agricultural
Co-operative Credit Society,
Virudhunagar District.
 - 4.The Election Officer,
Sp.Spl.36, Padikasuvithapatti Primary Agricultural
Co-operative Credit Society,
Virudhunagar District.
- .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorari, to call for the records relating to the order, dated 12.03.2019 passed by the 1st respondent in PROC.No.001/SJC/H/2018 (113) and quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondents : Mr.G.Rajendran, standing counsel for R1
Mr.K.Chellapandian, for R2 to R4

Additional Advocate General assisted by



Mr.V.R.Shanmuga Nathan
Special Government Pleader

O R D E R

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

This writ petition is filed for issuing a writ of Certiorari to quash the order passed by the first respondent, dated 12.03.2019 in PROC.No.001/SJC/H/2018(113).

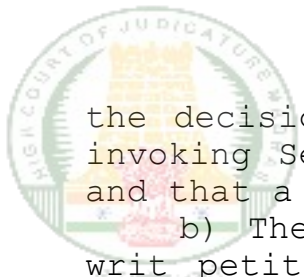
2.The petitioner is a member of Sp.Spl.36, Padikasuvithapatti Primary Agricultural Co-operative Credit Society. Co-operative election was notified and it is stated by the petitioner that the Board of Directors were elected and declared by the 4th respondent by an order, dated 23.04.2018. The petitioner was also elected as one of the Directors of the Board. However, a writ petition was filed in W.P.(MD).No.6591 of 2018 on the ground that 39 nominations filed by other members had been rejected unlawfully.

3.It is the case of petitioner that he and other elected Directors were not made parties to the writ petition and that therefore, the petitioner was not heard by the Committee while disposing of the complaint of the writ petitioner in W.P.(MD).No.6591 of 2018. Surprisingly, the petitioner also says that the Committee ought to have set aside the entire election of persons including the women members.

4.By the impugned order, the Committee has held that the nomination of the complainant was unlawfully rejected on the ground that the signatures of the candidate and his proposer in the nomination form was different from the signatures found in the Membership Book. The Committee after considering the nomination form and the records, found that the rejection of nomination of the petitioner was not legal. It was therefore, the Committee held that the order rejecting nomination was bad and it is liable to be set aside. The Committee thereafter, directed the Election Officer to include the name of the petitioner one C.Sivaikavi and conduct the Election for Electing Board of Directors for Adi Drawidar category, after getting necessary instructions from the Election Commission. The Election of members under General category also set aside in another petition. Hence, the Election Officer has to conduct fresh Election to the society for General and SC category from the stage of Scrutiny of nomination.

5.This Court do not find any merit in the contention of petitioner that the order of Committee is vitiated. The learned counsel appearing for the petitioner raised the following grounds in the writ petition.

a) The Committee failed to consider that a person aggrieved by



the decision of Election Officer should approach the Arbitrator by invoking Section 90 of Tamil Nadu Co-operative Societies Act, 1983 and that a petition or complaint is not maintainable.

b) The elected Directors were not impleaded as parties in the writ petition and hence the whole proceeding of the Committee is vitiated for non joinder of necessary parties.

c) The Committee ought to have set aside the entire Election and direct to order fresh Election to all the 11 Director posts.

d) The Committee directed to hold Election only for the General category as well as the Adi Drawidar category leaving behind the women category as illegal and unlawful.

Except the four grounds raised by the petitioner, he has not raised any other ground while challenging the order of Committee.

6.The learned counsel appearing for the petitioner produced before this Court an affidavit filed by one P.Selvakumar in W.P.(MD) No.7677 of 2018, wherein the petitioner challenged the Election in respect of the 11 members who were declared as elected to the Padikasuvithapatti Primary Agricultural Co-operative Credit Society, dated 02.04.2018. The learned counsel for the petitioner submitted that he does not know what happened to the writ petition in W.P.No.7677 of 2018. The grounds raised by the petitioner is self contradictory. While saying that the committee ought not to have entertained the petition, the petitioner also contend that the fresh election should be for all the 11 Directors who were declared as elected in 2018. The purpose of the litigation appears to be to stall the fresh Election. The petitioner come forward with the prayer suppressing the sequence of events.

7.The petitioner is elected under General category earlier which was set aside by the Committee for unlawful rejection of nomination of a candidate. The petitioner in stead of challenging the Election Notification, challenges the order passed by the Committee without raising any ground as to how the findings of the Committee is not sustainable. This Court presumes that the challenge before the Committee was also in respect of rejection nomination of another candidate whose candidature under General category was rejected on flimsy ground. Therefore, the fresh Election has been directed not only for the Scheduled Community category, but also for General category. The Committee passed the impugned order on 12.03.2019. However, the petitioner has filed the present writ petition only on 04.03.2020 before the day of election. Hence, this Court is of the view that this writ petition is filed with a malafide intention to stall the Election without any reason or ground, which could be reasonably understood by this Court. The petitioner's grievance is that the Committee ought to have set aside the election of 3 candidates under women category which was never challenged by any other candidate.

8.Hence, this writ petition is dismissed with a cost of Rs.5,000/- to be paid by the petitioner to the Legal Services Authorities, Madurai Bench of



Madras High Court, Madurai. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl Side)

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/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Committee on Co-operative Societies,
Election Cases, South Zone, Madurai, rep. by the Secretary,
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Tamil Nadu State Co-operative Society,
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Co-operative Credit Society,
Virudhunagar District.

Copy to :

The Officer in Charge,
Legal Services Authorities,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.O.S.KALAISELVAM, Advocate (SR-10267[F] dated 05/03/2020)

+1 CC to M/s.G.RAJENDRAN, Advocate (SR-10280[F] dated 05/03/2020)

+1 CC to M/s.SPL.GP (SR-10553[F] dated 09/03/2020)

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