



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2020

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P. (MD) .No.5542 of 2020

T.Balachandran

.. Petitioner

/Vs./

1.The Secretary,
Election Commissioner of Co-operative Societies,
South Zone, Madurai.

2.The Deputy Registrar,
District Election Officer,
Periyakulam Region Co-operative Society,
Periyakulam, Theni District.

3.The Managing Director/Joint Registrar,
Madurai District Central Co-operative Bank,
North Veli Street, Madurai.

4.The Co-operative Zonal Joint Registrar,
Government Department Campus, Theni.

5.The Secretary,
Co-operative Debt Society,
109, Aundipatti,
Velappar Kovil Road,
Aundipatti, Theni District.

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the 1st respondent to enquire the Election which was held on 11.03.2020 and consequently direct the 1 to 5th respondents will comply all the rules and regulations laid down by the Election Commission and re-contest the Election as may fixed by this Court.

For Petitioner : Mr.K.Kevinkaran
For Respondents : Mr.v.R.Shanmuganathan
Special Government Pleader



O R D E R

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

This writ petition is filed for issuing a direction to the first respondent to enquire the election which was held on 11.03.2020 and consequently direct the respondents 1 to 5 to comply with all the rules and regulations laid down by the Election Commission and to conduct re-election.

2.The petitioner states that he was the former President of Aundipatti Co-operative Society. The petitioner challenged the process of Election conducted in 2018 by filing the writ petition in W.P.(MD).No.7900 of 2018, before this Court. It appears that the matter was referred to the committee and as per the direction of the committee, fresh election notification was issued starting from the scrutiny of nominations. As per the Election notification, dated 27.02.2020, the scrutiny of nomination was on 29.02.2020 and the date for publishing the list of candidates eligible to contest was on 02.03.2020. In the present case, after scrutiny of nomination on 29.02.2020, the final list of candidates who are eligible to contest the election was published on 02.03.2020. The petitioner did not file any objections within a reasonable time challenging the non inclusion of his name. It was thereafter, the election of 11 members of the Board was published as there was no contest under Rule 52 (9) of Tamilnadu Co-operative Societies Rules. Further the declaration of results though published on 02.03.2020 and the Election Officer announced the Election of Office bearers by issuing a notice on 07.03.2020, the petitioner submitted a representation to the Election Officer and other respondents only on 12.03.2020.

3.Even in the affidavit filed in support of the writ petition, the petitioner has not stated anything about the irregularity in the scrutiny of nomination. The petitioner as a contestant supposed to be present at the time of scrutiny of nomination. There is no whisper in the entire affidavit pointing out any irregularity in the scrutiny of nomination by the Election Officer. Except stating that the petitioner's nomination was not accepted along with other members of his group, no specific averment is found in the affidavit filed in support of this petition.



5.Hence, this writ petition is dismissed. However, liberty is given to the petitioner to raise an Election dispute by filing an election petition or otherwise in the manner known to law. No costs.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Secretary, Election Commissioner of Co-operative Societies, South Zone, Madurai.
- 2.The Deputy Registrar, District Election Officer, Periyakulam Region Co-operative Society, Periyakulam, Theni District.
- 3.The Managing Director/Joint Registrar, Madurai District Central Co-operative Bank, North Veli Street, Madurai.
- 4.The Co-operative Zonal Joint Registrar, Government Department Campus, Theni.
- 5.The Secretary, Co-operative Debt Society, 109, Aundipatti, Velappar Kovil Road, Aundipatti, Theni District.

+1 CC to M/s.SPL GP (SR-12248[F] dated 18/03/2020)

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SM/ (08.05.2020) 3P 7C