



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2020

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THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) Nos.13088 and 13092 of 2020

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Prabhu ...Petitioner in W.P.(MD)No.13088 of 2020
A.Selvaraj ...Petitioner in W.P.(MD)No.13092 of 2020

-Vs-

- 1.The Deputy Registrar / The District Election Officer,
Madurai District Co-operative Society,
Madurai District.
- 2.The Secretary / The Election Officer,
A 1235, Madurai Taluk Agricultural Production
Co-operative Marketing Society,
Madurai District. ...Respondents in W.P.(MD)No.13088 of 2020

- 1.The Deputy Registrar / The District Election Officer,
Madurai District Co-operative Society,
Krishnaraya Theppakulam Road, Madurai District.
- 2.The Secretary / The Election Officer,
A 2478, Melur Agricultural Production
Co-operative Marketing Society,
Melur, Madurai District. ...Respondents
in W.P.(MD)No.13092 of 2020

Common Prayer: Writ Petitions - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to conduct election for the 2nd respondent society in a free fair and proper manner by following the procedure prescribed as per Rule 52(A) of Tamil Nadu Co-operative Societies Rule, 1988 with adequate police protection and also Video-graph the entire election process from 30.09.2020 to 12.10.2020 and 30.09.2020 to 08.10.2020 respectively based on the petitioners' representations dated 21.09.2020 and 17.09.2020 respectively, within a stipulated time as may be fixed by this Court.

For Petitioners : Mr.M.Jegadeesh Pandian in
WP(MD).No13088 of 2020
Mr.K.Anbarasan in
WP(MD).No 13092/2020

For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader.
(in both Writ Petitions)

**COMMON ORDER**

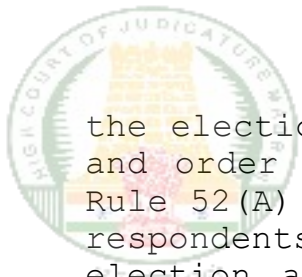
[Order of the Court was made by **M. SATHYANARAYANAN, J.,**]

By consent, these Writ Petitions are taken up for final hearing and disposed of at the admission stage itself, by way of this common order.

2.In W.P.(MD)No.13088 of 2020, the petitioner not only claims to be a practicing Advocate, but also a member of the second respondent society and according to him, for election of Office Bearers to the second respondent society, elections scheduled to be held, have been cancelled thrice on 06.10.2018, 10.12.2018 and 29.08.2019, on account of law and order and public order problem. It is further stated by the petitioner that fresh election notification has been issued by the first respondent on 17.09.2020, which reads as follows:-

S. No	Programme	Date & Time	Place
1.	Date of Filing of Nomination	30.09.2020 10.00 a.m., to 5.00 p.m.	A 1235, Madurai Taluk Agricultural Producers Cooperative Marketing Society, Door No.31, Viswasapuri 3 rd Street, Ganaolivupuram, Madurai-625 016
2.	Scrutiny of Nominations	01.10.2020 11.00 A.M. to 04.00 P.M.	
3.	Publication of eligible Nomination List	01.10.2020 05.00 P.M	
4.	Withdrawal of Nominations	03.10.2020 10.00 A.M. to 04.00 P.M.	
5.	Publication of Final List of Contesting Candidates	03.10.2020 05.00 P.M.	
6.	Date of Polling if needed	07.10.2020 08.00 A.M., to 05.00 P.M.	
7.	Counting and Declaration of Result	08.10.2020 10.00 A.M. onwards	
8.	Notification for Election of Officer Bearers (After Declaration of Results)	08.10.2020	
9.	Election of Office Bearers	12.10.2020 10.00 A.M. onwards	

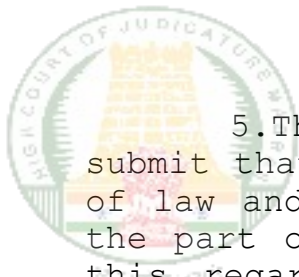
3.The learned counsel appearing for the petitioner would submit that on earlier three occasions, despite the announcement of
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the election schedule, the same could not be taken place due to law and order and public order problem and therefore, in the light of Rule 52(A) of the Tamil Nadu Co-operative Societies Rules, 1988, the respondents are under statutory obligation to ensure free and fair election and in this regard, the petitioner has also submitted a representation dated 21.09.2020 and apprehending that the present election is also likely to go in the old way, has come forward with this Writ Petition and prays for appropriate orders.

4.In W.P.(MD)No.13092 of 2020, the petitioner claims to be an agriculturist and also a member of the second respondent society and would submit that the second respondent, during the month of October, 2018, has announced the election schedule, thereafter, the same was postponed and once again, the first respondent announced the election schedule on 06.12.2018, for which the petitioner has submitted his nomination and subsequently, it was cancelled and once again, the first respondent has announced the election schedule to the second respondent society, which reads as follows:-

S. No	Programme	Date & Time	Place
1.	Date of Filing of Nomination	30.09.2020 10.00 a.m., to 5.00 p.m.	A 2478, Melur APCMS Trichy Main Road, Melur-625 106.
2.	Scrutiny of Nominations	01.10.2020 11.00 A.M. to 04.00 P.M.	
3.	Publication of eligible Nomination List	01.10.2020 05.00 P.M	
4.	Withdrawal of Nominations	03.10.2020 10.00 A.M. to 04.00 P.M.	
5.	Publication of Final List of Contesting Candidates	03.10.2020 05.00 P.M.	
6.	Date of Polling if needed	07.10.2020 08.00 A.M., to 05.00 P.M.	A 1235, Madurai Taluk Agricultural Producers Cooperative Marketing Society, Door No.31, Viswasapuri 3 rd Street, Ganaolivupuram, Madurai-625 016
7.	Counting and Declaration of Result	08.10.2020 10.00 A.M. onwards	
8.	Notification for Election of Officer Bearers (After Declaration of Results)	08.10.2020	
9.	Election of Office Bearers	12.10.2020 10.00 A.M. onwards	



5.The learned counsel appearing for the petitioner would submit that the election is repeatedly getting postponed on account of law and order and public order problem and it is obligatory on the part of the respondents to ensure free and fair election. In this regard, the petitioner has also submitted a representation dated 17.09.2020 and apprehending the postponement of election once again on account of law and order and public order problem, has come forward with this Writ Petition.

6.Mr.K.P.Krishnadoss, learned Special Government Pleader, who accepts notice on behalf of the respondents in both Writ Petitions, has forwarded the written communication of the Deputy Registrar of Co-operative Societies / District Election Officer, Madurai, first respondent herein, to the Assistant Commissioner of Police, Tilakar Thidal Circle (Law and Order), Madurai City, Madurai dated 22.09.2020 in RC.3833/2020/SF/Election(1), as well as communication dated 22.09.2020 in RC.3833/2020/SF/Election(2), addressed to the Deputy Superintendent of Police, Melur (Law and Order), Melur-625 106. He also would submit that apprehending the law and order and public order problem, the request has also been made to the said police officials and as such the apprehension as expressed by the writ petitioners had been taken care of and prays for dismissal of the Writ Petitions.

7.This Court has carefully considered the rival submissions made by the learned counsel on either side and perused the materials available on record carefully.

8.The above cited communications dated 22.09.2020 of the first respondent addressed to the Assistant Commissioner of Police, Tilakar Thidal Circle (Law and Order), Madurai City, Madurai and the Deputy Superintendent of Police, Melur (Law and Order), Melur, are taken on file and recorded.

9.This Court, taking into consideration the above facts and circumstances, directs the first respondent to ensure the conduct of the election to the second respondent society in each of these Writ Petitions by strictly in compliance of law, keeping in mind the purity in democratic process and take a videograph of the said election process. This Court also directs the Assistant Commissioner of Police, Tilakar Thidal Circle (Law and Order), Madurai City, Madurai and the Deputy Superintendent of Police, Melur (Law and Order), Melur, to provide adequate protection to those who are conducting the election of Office Bearers to the second respondent society. The expenses relating to videography, shall be borne out by the second respondent in each of these Writ Petitions.



10. Accordingly, these Writ Petitions stand disposed of. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Commissioner of Police, Madurai City, Madurai.
2. The Superintendent of Police, Madurai Rural, Madurai.
3. The Deputy Registrar / The District Election Officer,
Madurai District Co-operative Society, Madurai District.
4. The Secretary / The Election Officer,
A 1235, Madurai Taluk Agricultural Production
Co-operative Marketing Society, Madurai District.
5. The Deputy Registrar / The District Election Officer,
Madurai District Co-operative Society,
Krishnaraya Theppakulam Road, Madurai District.
6. The Secretary / The Election Officer,
A 2478, Melur Agricultural Production
Co-operative Marketing Society, Melur, Madurai District.

Copy to

1. The Assistant Commissioner of Police,
Tilakar Thidal Circle (Law & Order),
Madurai City, Madurai.
 2. The Deputy Superintendent of Police,
Melur (Law & Order), Melur 625 106
- +1 CC to M/s. SPL GP (SR-18521&18519[F] dated 30/09/2020)

COMMON ORDER made in
W.P. (MD) Nos.13088 and 13092 of 2020
29.09.2020

AL(CO)

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