



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**
AND
THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.A. (MD)No.1003 of 2020

K.K.Umadevan

: Appellant

Vs.

- 1.The Principal Secretary to Government,
Tamil Nadu Dairy Development,
Department of Milk and Dairy,
St. George Fort,
Secretariat,
Chennai - 600 009.
- 2.The Managing Director,
Sivagangai District Milk Producers Cooperative Union,
O.Siruvayal Road,
Kalanivasal,
Karaikudi - 630 002,
Sivagangai District.
- 3.The Deputy Registrar (Milk Development),
Kundurayar Street,
Manamadurai,
Sivagangai District.

4.Ashokan

: Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent challenging the order dated 01.09.2020, made in W.P.(MD)No.9489 of 2020.

Prayer in WP(MD). 9489/ 2020 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to take necessary action to cancel the selection of the 4th respondent as the President of the Sivagangai District Milk Producers Cooperative Society (aavin) and declare the said post as vacant and consequently direct them to conduct the election in a democratic manner and in accordance with law based on the petitioner's representation dated 14.2.2020.

<https://hcservices.ecourts.gov.in/hcservices/>



For Appellant : Mr.R.Murugan

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader for R.1

Mr.E.Mareeskumar for R.2 & R.3

Mr.G.Prabhu Rajadurai for R.4

JUDGMENT

(Judgment of the Court was delivered by **B.PUGALENDHI, J.**)

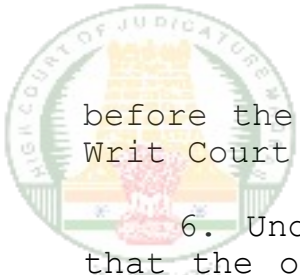
This writ appeal is filed by the appellant / petitioner as against the order passed by the learned Single Judge in W.P.(MD) No.9489 of 2020, dated 01.09.2020, in and by which, the appellant's plea to cancel the selection of the fourth respondent as the President of the Sivagangai District Milk Producers Cooperative Society (Aavin) and to conduct a fresh election came to be rejected.

2. Heard the learned Counsel appearing for the respective parties and perused the documents placed on record.

3. According to the appellant, the fourth respondent is selected and nominated as the President of the Sivagangai District Milk Producers Cooperative Society (Aavin). For nomination to the said post, the candidate should be a ordinary resident of the service area of the village and should be a member of the Primary Milk Producers Society or anyone of the milk vending society within that locality. Though the fourth respondent is not having such basic qualifications, in contrary to the bye-laws, he was selected and nominated as the President of the Society.

4. It is represented by the learned Counsel for the fourth respondent that the fourth respondent is having the required qualification and has shifted his residence from Karungulam, long back. The Aadhar Card and other documents would show that the fourth respondent is residing in that locality, which fact has also been affirmed by the learned Counsel for the Society. The learned Counsel for the Society further affirmed that the fourth respondent fulfills the other conditions.

5. In fact, it was brought to the knowledge of the learned Single Judge that the appellant / petitioner is not even a member of the concerned milk society, as such, he is not having the *locus standi* to question the election. Even otherwise, the appellant / petitioner has challenged the election that took place in the year 2018, ie., after two long years, the petitioner has moved the Court challenging the election, instead of filing an election petition



before the appropriate forum. Taking note of all these aspects, the Writ Court has rightly passed the impugned order.

6. Under such circumstances, we are of the considered opinion that the order passed by the learned Single Judge in rejecting the appellant's plea deserves no interference and accordingly, this writ appeal is dismissed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

gk

To

The Principal Secretary to Government,
Tamil Nadu Dairy Development,
Department of Milk and Dairy,
St. George Fort,
Secretariat,
Chennai - 600 009.

+1 CC to SGP (SR-22419[F] dated 20/11/2020)

+1 CC to M/s.R.,MURUGAN, Advocate (SR-22221[F] dated 20/11/2020)

W.A. (MD)No.1003 of 2020

18.11.2020

PM(CO)

NR (14/12/2020) 3P : 4C