

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION Nos.3133, 3141, 3168, 3181, 3195 and 3198 of 2020

COMMON ORDER:

Heard the learned counsel appearing for the petitioners in the respective writ petitions and the learned Government Pleader appearing for the respondents.

Since the issue raised in these writ petitions is one and the same, they are heard together and being disposed of by way of this common order.

Learned counsel appearing for the petitioners in the respective writ petitions submit that the elections to the Primary Agricultural Co-operative Societies are scheduled to be held on 15.02.2020. In W.P.Nos.3133 and 3141 of 2020, the petitioners are challenging the action of respondents in rejecting their nominations on the ground that they are having more than two children. In W.P.Nos.3168 and 3181 of 2020, the petitioners are seeking a direction to respondents 1 to 6 not to accept the nomination of the 7th respondent, who is ineligible to contest in the elections scheduled to be held on 15.02.2020. In W.P.No.3195 of 2020, the petitioners are challenging the action of the respondents in not giving equal reservation in respect of Scheduled Tribe and Scheduled Caste candidates. In W.P.No.3198 of 2020, the petitioner is seeking a direction to the respondents to permit him to contest in the elections to be conducted on 15.02.2020.

Learned Government Pleader appearing for the respondents submits that in view of the law laid by the Hon'ble Apex Court in *N.P.PONNUSWAMI Vs. RETURNING OFFICER, NAMAKKAL*¹, once the election notification is issued, the writ petitions cannot be

¹ AIR 1952 SC 64

entertained under Article 226 of the Constitution of India. However, the petitioners can approach the competent Tribunal against the action of the respondents, after declaration of results, under Section 61(3) of the Co-operative Societies Act, 1964.

Some of the learned counsel for the petitioners, in principle, have agreed that they would prefer Election Petitions before the competent Tribunal. However, they sought for appropriate orders in the writ petitions directing the Election Tribunal to adjudicate the matters within a reasonable period, as the purpose of filing the EPs itself would be defeated, if the Tribunal takes a long time to decide the EPs.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that as the Election Notification is issued and elections are scheduled to be held on 15.02.2020, in view of the law laid down by the Apex Court in the aforesaid judgment, this court cannot entertain these writ petitions.

Accordingly, these writ petitions are dismissed. However, the petitioners are given liberty to approach the Election Tribunal challenging the elections, in accordance with the Rules. If the petitioners approach the Election Tribunal, it is needless to say that the Tribunal shall dispose of the said Petitions, within a period of six months from the date of filing, after giving reasonable opportunity of hearing, to the parties concerned. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 14-02-2020

Prv

