

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2021

Coram

The Honourable Mr. Justice D.KRISHNAKUMAR

W.P.No.21385 of 2018
and W.M.P.No.25070 of 2018

S.M.Devaraj

...Petitioner

Versus

1. The Election Commission,
Tamilnadu State Co-operative Societies,
Rep. by its Secretary,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai,
Thenampet, Chennai - 600 018.
2. The District Election Officer,
Vellore Region,
District Co-operative Registrar,
Sainathapuram,
Vellore, Vellore District.
3. The Election Officer,
Gudiyatham Town Urban Co-operative Bank,
Gudiyatham, Vellore District.
- 4.P.Kavithababu
- 5.R.Sudha
- 6.R.Tamizharasi
- 7.R.Moorthi
- 8.G.Jayakumar
- 9.S.N.Sundaresan
- 10.N.Govindaraj
- 11.S.I.Anvar Basha
- 12.M.Baskar
- 13.N.Panner

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the representation dated 14.08.2018 of the petitioner by declaring the election dated 13.08.2018 of the third respondent as null and void to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu
For Respondent - 1 : Mr.M.S.Palanisamy
Respondents - 2 & 3 : Mr.M.R.Gokul Krishnan,
Government Advocate
Respondents - 4 to 14: Mr.C. Munusamy
for Ms.V.Suguna

O R D E R

(The case has been heard through video conference)

The relief sought for in the present writ petition is to direct the respondents to consider the representation dated 14.08.2018 of the petitioner by declaring the election dated 13.08.2018 of the third respondent as null and void to secure the ends of justice.

2. The learned Government Advocate appearing for the respondents 2 & 3 has drawn the attention of this Court to Paragraph Nos.8 & 9 of the counter affidavit, wherein, the second respondent has stated as follows:

"8. It is humbly submitted that in response to the representation dated 14.08.2018, the Deputy Registrar of Coop. Societies, Vellore Circle/2nd respondent herein has sent reply to the Petitioner vide his letter Na.Ka.No.593/2018 Sapa dated 28.08.2018 in which it was informed that if the petitioner aggrieved, the petitioner may prefer Arbitration claim under Sec.90 of the Tamil Nadu Coop. Societies Act, 1983 before the District Election Officer. Copy of which is annexed and it may treated as part of the affidavit.

9. It is humbly submitted that as informed by the second respondent, the petitioner preferred Arbitration Claim Petition under Sec.90 of the Tamil Nadu Coop. Societies Act, 1983 on 12.10.2018 and it was taken on the file of the 2nd Respondent as ARC No.29/2018-2019. Copy of which is annexed and it may treated as part of this affidavit."

He would also submit that as stated above the Arbitration Claim Petition filed by the petitioner was taken on file of the second respondent as ARC.No.29/2018-2019, however, the same is pending.

3. In view of the submission made by the learned Government Advocate appearing for the respondents, this Court is of the opinion that the present writ petition is not maintainable and therefore, the same is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

mrr
To

1. The Secretary,
Election Commission,
Tamilnadu State Co-operative Societies,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai,
Thenampet, Chennai - 600 018.
2. The District Election Officer,
Vellore Region,
District Co-operative Registrar,
Sainathapuram,
Vellore, Vellore District.
3. The Election Officer,
Gudiyatham Town Urban Co-operative Bank,
Gudiyatham, Vellore District.

+1 CC to The Government Pleader sr 28722.

WEB COPY

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CP(CO)
SP(13/07/2021)