



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No.19558 of 2021
and WMP No.20839 of 2021

M.Anbazhagan

.. Petitioner

Vs

1. The Registrar,
Cooperative Societies Registration Office,
V.V.P.Nagar, Puducherry
2. The President,
Villiyannur Cooperative Housing Society Limited,
No.P.496 Villupuram Main Road,
Villiyannur, Puducherry.
3. The Election Officer,
Villiyannur Cooperative Housing Society Limited,
No.P.496 Villupuram Main Road,
Villiyannur, Puducherry

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondent Nos.1 to 3 to consider the representations dated 30.08.2021 and 07.09.2021 made by the petitioner herein to rectify the errors in the voters list for the forthcoming election conducted for the 2nd respondent society before the date of election in respect of induction of new members illegally and delete the said members those who are recently included in the voters list without the approval of General body of the 2nd respondent and approval of the 1st respondent herein.

For Petitioner : Mr.Sundaravadanan for
Mr.V.Janarthanan

For Respondents : Ms.V.Usha for R1
Additional Government Pleader (P)



ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the representations made by the petitioner on 30.08.2021 and 07.09.2021, wherein, the petitioner has sought for rectification in the voters list, where, according to the petitioner, certain non members name have been included and they are being allowed to vote in the election that is slated to be held on 18.09.2021.

2.The petitioner is the member of the Villiyanur Cooperative Housing Society Limited. According to the petitioner, the first respondent issued an election notification on 21.08.2021 and the list of eligible voters was published on 28.08.2021. The election is going to be conducted for electing the new Board for the period from 01.10.2021 to 31.03.2024. According to the petitioner, the names of nearly 50 persons have been included in the members list and according to the petitioner, these persons have nothing to do with the Society and the same has been done only with some ulterior motive. The petitioner, therefore, made representations to the respondents seeking for rectifying the voters list. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the first respondent.

4. In the considered view of this Court, the grievance expressed by the petitioner through representations dated 30.08.2021 and 07.09.2021 can be taken into consideration by the first respondent. The first respondent can make an inquiry in order to find out if the members list contains the names of 50 persons, who do not have anything to do with the Society. If the first respondent comes to the conclusion that the voters list also contains the names of non members or newly inducted members without the approval of the general body, it is always left open to the first respondent to proceed further in accordance with law. This decision shall be taken by the first respondent within a period of two weeks from the date of receipt of a copy of this order.

5. The election is slated to be held on 18.09.2021 and at this point of time, this Court does not want to stop the election. However, the decision arrived at by the first respondent after conducting the inquiry, will have a bearing on the final results in the election. Any further challenge either to the decision taken by the first respondent or the impact, it has on the election process, can be challenged only in



accordance with Section 84 of the Puducherry Cooperative Societies Act.

6. This writ petition is disposed of with the above directions. No costs. Consequently connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

RR

To

1. The Registrar,
Cooperative Societies Registration Office,
V.V.P.Nagar, Puducherry
2. The President,
Villiyanur Cooperative Housing Society Limited,
No.P.496 Villupuram Main Road,
Villiyanur, Puducherry.
3. The Election Officer,
Villiyanur Cooperative Housing Society Limited,
No.P.496 Villupuram Main Road,
Villiyanur, Puducherry

+1CC to Mr.V.Janarthanan, Advocate, Sr.No.46725

+1CC to Mr.Government Pleader for Puducherry, Sr.No.47296

W.P.No.19558 of 2021

KK (CO)

K.RK. (06.10.2021)