



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P (MD)No.9047 of 2021

P.Shanmugapandi

... Petitioner

Vs.

- 1.The Commissioner,
Election Commission for
Tamil Nadu Co-Operative Society,
No.273, Anna Salai,
Thenampet,
Chennai.
- 2.The Registrar,
Tamil Nadu Co-operative Society,
170, E.V.R.Periyar High Road,
Keelpakkam,
Chennai-600 010.
- 3.The District Election Officer/
Deputy Registrar of Co-operative Society,
(Addl. i/c), Maharaja Nagar,
Tirunelveli-627 011.
- 4.The Deputy Registrar of Co-operative Society/
Addl.i/c Arbitrator,
Co-operative Credit Society,
TS36, Panchayat Union Staff and
Primary Health Care Staff
Co-operative Credit Society,
Kuruvikulam,
Sankarankovil Taluk,
Tenkasi District.
- 5.The Election Officer,
TT 71 Tirunelveli Thoothukudi
Government Teachers and Education Dept.,
Co-operative Credit Society,
TS36, Panchayat Union Staff and
Primary Health Care Staff
Co-Operative Credit Society,



Kuruvikulam,
Sankarankovil Taluk,
Tenkasi District.

6.The Secretary,
TT 71 Tirunelveli Thoothukudi
Government Teachers and Education Dept.,
Co-operative Credit Society,
No.15/8, Kasim Colony,
Vannarapettai,
Tirunelveli-627 003.

7.Mariya Delsia Mathi
8.Shanthi
9.Senthamarai Selvi
10.Jothivel
11.Kovilraj
12.Manickasingh
13.Pasupathi
14.Prabhakaran
15.Syed Ibrabim
16.Shanmugasundaram
17.Vijayarajan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records and to quash the impugned order, dated 09.11.2020 passed by the fourth respondent in the Election petition No.206 of 2019-2020 and consequently declare the election of respondents 7 to 17, dated 02.04.2018 and 07.04.2018 for the post President and Executive Members for the TT 71 Tirunelveli Thoothukudi Government Teachers and Education Department, Co-operative Credit Society and to declare the elected President and Executive Members for the TT 71 Tirunelveli Thoothukudi Government Teachers and Education Department, Co-operative Credit Society as null and void.

For Petitioner
For Respondents

: Mr.R.J.Karthick
: Mr.Veerakathiravan
Senior Counsel for Government
for Mr.P.Thilak Kumar
Standing Counsel for Government
for R.1 to R.6

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.R.J.Karthick, learned counsel appearing for the petitioner and Mr.Veera Kathiravan, learned Senior Counsel for

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



Government representing Mr.P.Thilak Kumar, learned Standing Counsel for the Government, who accepts notice on behalf of the respondents 1 to 6.

2.This Writ Petition has been filed challenging an order passed by the fourth respondent, dated 09.11.2020 in exercise of his powers under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 (the Act).

3.As against the impugned order, the petitioner has an effective alternative remedy by way of an appeal in terms of Section 152 of the Act. We find that there is no justifiable reason to bypass the appellate remedy which is not only efficacious, but effective as well. Therefore, we are not inclined to entertain the Writ Petition and accordingly, we grant liberty to the petitioner to file an appeal against the impugned order under Section 152 of the Act. If such an appeal is filed before the Appellate Authority within a period of 60 days from the date of receipt of a copy of this order, the appeal shall be entertained without rejecting the same on the ground of limitation.

4.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

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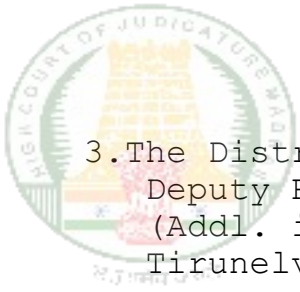
Sub Assistant Registrar(CS)

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

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2.The Registrar,
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3.The District Election Officer/
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TS36, Panchayat Union Staff and
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Co-operative Credit Society,
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Government Teachers and Education Dept.,
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+1 CC to M/s.GP (SR-18649[F] dated 02/06/2021)

ORDER MADE IN
W.P (MD)No.9047 of 2021
DATED
01.06.2021

AS (11.06.2021) 3P 8C