



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.05.2021**

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

and

THE HONOURABLE MRS.JUSTICE **T.KRISHNAVALLI**

W.P. (MD)Nos.9429 and 9412 of 2021

and

W.M.P. (MD)Nos.7156, 7129 and 7131 of 2021

W.P. (MD)No.9429 of 2021

P.Periyakaruppan

... Petitioner

versus

1. The State Election Commissioner,
The Tamil Nadu Co-operative Societies,
Election Commissioner, Chennai - 18.

2. The District Election Officer-Cum-
The Deputy Registrar,
Milk Production and Dairy Development
Department,
Madurai - 20.

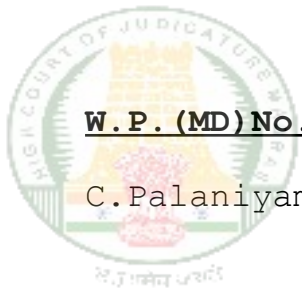
3. A.1301, Madurai District Co-operative Milk
Producers Union,
Rep. by its General Manager,
Madurai - 20.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for the issuance of writ of Mandamus, to direct the respondents 1 to 3 to defer the election for the 3rd respondent Union for filling up of 11 vacant Board of Directors Post to be conducted between 17.05.2021 to 25.05.2021 as per the Notification in Na.Ka.No.2942/2020/Coop Elect/1(2) dated 28.04.2021 till the lock down implemented by the State Government is lifted and also considering the improvement in the Covid-19 outbreak pandemic situation to conduct the elections, by considering the petitioner's representation dated 05.05.2021.

For Petitioner : Mr.J.Anandhan,

For Respondents : Mr.E.Marees Kumar,
Standing Counsel for R1 and R2



W.P. (MD) No. 9412 of 2021

C.Palaniyammal

... Petitioner
versus

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Revenue and Disaster Management Department,
Fort St. George,
Chennai.
 2. The Chairman,
Tamil Nadu State Disaster Management Authority,
Chennai.
 3. The District Collector,
Madurai District,
Madurai.
 4. The State Election Commissioner,
The Tamil Nadu Co-operative Societies,
Election Commission,
Chennai - 600 018.
 5. The District Election Officer cum
the Deputy Registrar,
Milk Production and Dairy Development Department,
Madurai - 625 020.
 6. The General Manager,
A.1301 Madurai District Co-operative Milk
Producers' Union,
Madurai - 625 020.
- ... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for the issuance of writ of Certiorarified Mandamus, to call for the records relating to impugned Paper Publication dated 04.05.2021 in Maalai Malar Daily Newspaper issued by the 5th respondent and quash the same and consequently, forbear the respondents from conducting Election for the post of Board of Directors, A.1301 Madurai District Co-operative Milk Producers' Union in view of pandemic situation and other irregularities and illegalities in the notification.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Mr.E.Marees Kumar,
Standing Counsel for R4 and R5



COMMON ORDER

[Order of the Court was delivered by **S.S.SUNDAR, J.**]

These writ petitions have been filed seeking for the issuance of Writ of Certiorarified Mandamus, to quash the Election Notification to hold election to the post of Directors.

2. The grievance of the petitioners is that as per the Election Notification, impugned in these writ petitions, right from the date of filing of nominations till the counting of votes, the election is scheduled during the full lock down announced by the State. It is also stated that around 1000 members of the Co-operative Societies will cast their votes on the date of election. It is also stated that election would involve campaigning by voters and candidates resulting in huge gatherings. In view of the pandemic situation, the learned counsel appearing for the petitioners submitted that the election has to be postponed in public interest.

3. The learned Standing Counsel appearing for the respondents / District Election Officer would submit before this Court that the respondents have decided to postpone the election and a fresh election notification would be issued.

4. Since the grievance of the petitioners is now addressed and the election is postponed, nothing survives in these writ petitions. Accordingly, these writ petitions are closed. It is open to the respondents to issue fresh notification for conducting election, after the full lock down restrictions are lifted by the State Government. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer

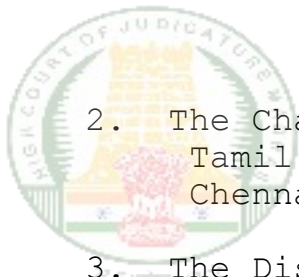
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/ /2021

Sub Assistant Registrar(CS)

ogy/g
To

1. The Secretary,
Revenue and Disaster Management Department,
Fort St. George,
Chennai.



2. The Chairman,
Tamil Nadu State Disaster Management Authority,
Chennai.
3. The District Collector,
Madurai District,
Madurai.
4. The State Election Commissioner,
The Tamil Nadu Co-operative Societies,
Election Commission,
Chennai - 600 018.
5. The District Election Officer cum
the Deputy Registrar,
Milk Production and Dairy Development Department,
Madurai - 625 020.

W.P. (MD)Nos.9429 and 9412 of 2021

12.05.2021

RK(24.05.2021) 4P 6C