



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.14515 and 14516 of 2021

and

W.M.P. (MD)Nos.11455, 11456, 11460 and 11461 of 2021

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W.P. (MD)No.14515 of 2021:

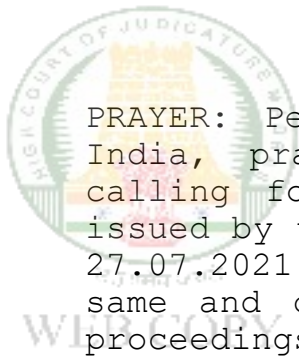
S.Maharajan

... Petitioner

Vs.

- 1.The State Election Commissioner,
Tamil Nadu State Cooperative Election Commissionerate,
No.273, Anna Salai, Teynampet,
Chennai-600 018.
- 2.The Commissioner of Milk Production and
Dairy Development,
Madhavaram Milk Colony,
Chennai-600 051.
- 3.The Deputy Registrar of Cooperative Societies
(Dairying),
Office of the Deputy Registrar of Cooperative Societies,
Mudivaithanenthal, Tirunelveli Road,
Thoothukudi District.
- 4.TUT.34, Tuticorin District Milk Producers
Union Ltd.,
represented by its Chairman,
Balavinayagar Temple Street,
Opposite to Municipal Office,
Thoothukudi District.
- 5.The Secretary,
TYT, 1529, Parivallikottai, Middle Street,
Milk Producer Co Operative Society,
Parivallikottai, Kovilpatti Taluk,
Thoothukudi District.

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ Certioarified Mandamus, calling for the records pertaining to the impugned notification issued by the first respondent in Na.Ka.No.847/2021/Koo.The.2, dated 27.07.2021 in respect of fourth respondent Society and quash the same and consequently forbearing the respondents from in any way proceedings with the election process until the election of 20 Co operative Societies is completed and office bearers are elected in so far as the Cooperative Societies of the fourth respondent union is concerned.

W.P. (MD)No.14516 of 2021:

G.Poyyali

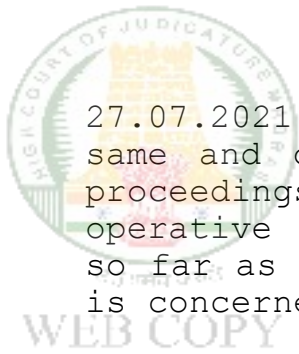
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For Petitioner

in both petitions : Mr.G.Thalaimuthuarasu

For Respondents 2 to 5.

in both petitions : Mr.P.Thilakkumar

Standing Counsel for the Government

* * * * *

COMMON ORDER

(Order of this Court was made by **M.DURAISWAMY, J.**)

The petitioners have filed the above writ petitions, to issue writs of Certioarified Mandamus, calling for the records pertaining to the impugned notification dated 27.07.2021, issued by the first respondent, in respect of fourth respondent Society and quash the same and consequently forbearing the respondents from in any way proceedings with the election process until the election of 20 Co operative Societies is completed and office bearers are elected in so far as the Cooperative Societies is completed and Office Bearers are elected in so far as the co operative Societies of the fourth respondent union is concerned.

2. The petitioners are challenging the election notification dated 27.07.2021 in these writ petitions. After the issuance of the election notification, election process had been commenced, from the date of notification ie., on 27.07.2021. When the Honourable Supreme Court of India and this Court had repeatedly told that once the election process had been commenced, the same cannot be interfered with by the Courts. The remedy open to the aggrieved party is only to file an election petition before the Election Tribunal.

3. In the case on hand, since the election process had already been commenced on 27.07.2021 and that according to the learned Standing Counsel for the Government, appearing for the respondents 2 to 5, today (ie., 16.08.2021) is the last date for submission of nomination papers by the candidates. Further, the learned Standing Counsel for the Government submitted that the scrutiny would be completed tomorrow and the election is scheduled to be held on 28.08.2021.

4. In view of the commencement of the election process, we are not inclined to interfere with the election notification dated 27.07.2021. Therefore, the Writ Petitions are liable to be dismissed. Accordingly the same are dismissed. No costs.



Consequently, the connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

SSL

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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- 6.The Secretary,
TYT, 29, Muduthalankulam,
Milk Producer Co Operative Society,
Muduthalankulam, Kovilpatti Taluk,
Tirunelveli District.



+1 CC to M/s.GP (SR-26494[F] dated
17/08/2021)

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16.08.2021**

MGJ(23.08.2021) 5P 8C

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