



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.24128 of 2019

and W.M.P(MD) Nos.20719 & 20740 of 2019

(Through Video Conferencing)

Edward Nikson

: Petitioner

Vs.

1.The Commissioner

Cooperative Society Election Commission
Chennai.

2.The Joint Registrar of Cooperative Society,
Nagercoil
Kanyakumari District.

3.The Election Commissioner
The Deputy Registrar of Cooperative Society,
Thuckalay
Kanyakumari District.

4.Y-25 Primary Agriculture credit
Cooperative Society
Manakavilai,
Manalikai Post
Kanyakumari District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned election notification issued by the 3rd respondent to conduct election, general category candidates of 4th respondent Society which was published in Thina Thanthi Tamil Daily dated 11.11.2019 and quash the same as illegal and consequently direct the 3rd respondent to conduct the election all the board members of the 4th respondent society afresh as per the order passed by the committee of cooperative societies election cases, south zone, Madurai vide PROC No.001/SJC/H/2018(213-216) dated 24.07.2019.

For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.K.Chellapandian

Additional Advocate General
assisted by Mr.P.Mahendran
for R2 & R3

Mr.G.Rajendran for R1

Mr.N.Dilipkumar for R4



ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This is a second round of litigation filed by the petitioner.

2. On the earlier round of litigation, an order was passed by the committee as per the direction of this Court by permitting the petitioner to contest. Resultantly, a direction was issued to re-do the election. Now, a notification has been issued with respect to the general category, in which the petitioner is eligible.

3. The grievance of the petitioner before us is that the entire election process will have to be re-do.

4. As rightly submitted by the learned Additional Advocate General, it is not feasible for more than one reason. We are on the Public Interest Litigation. Therefore, the concern is with respect to the only grievance of the petitioner that the petitioner's nomination rejected wrongly and rectified correctly in pursuant to the order passed by the Committee. Secondly, the earlier election to the other categories including Scheduled Caste category has not been put into challenge. This has attained finality and consequently, the persons elected cannot be non-suited in a collateral proceedings by interpreting the earlier notification passed by the competent authority. Those persons are not before us. Thus, looking from any perspective, we do not find any reason to interfere with the election notification issued. The petitioner is at liberty to contest the election.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1.The Commissioner
Cooperative Society Election Commission
Chennai.
- 2.The Joint Registrar of Cooperative Society,
Nagercoil
Kanyakumari District.



3.The Election Commissioner
The Deputy Registrar of Cooperative Society,
Thuckalay
Kanyakumari District.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-5258[F] dated
16/02/2021)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-5409[F] dated 16/02/2021)

+1 CC to M/s.G.RAJENDRAN, Advocate (SR-5469[F] dated 16/02/2021)

+1 CC to M/s.SPL GP (SR-5680[F] dated 17/02/2021)

W.P.(MD)No.24128 of 2019

Dated: 15.02.2021

MJ(CO)

KB(02.03.2021) 3P 8C