



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition No.31859 of 2019
and W.M.P.Nos.32103 and 32104 of 2019

G.Senthilvelavan

.. Petitioner

Vs.

1.The State Election Commissioner
Co-operative Elections
Kamadhenu Super market building
No.273, Scheme road,Subburaya nagar
Teynampet, Anna salai, Chennai-18.

2.The District Election Officer/
Deputy Registrar of Co-operative Societies
Salem Circle, Salem, Salem District.

3.The Election Officer/Senior Inspector
S.S.111, Salem and Namakkal District
Co-operative Societies
Employees Co-operative Thrift and Credit Society
No.27/10, Chinnayeri Vayalakadu 1st street
Pallapatti, Salem-636 009.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned election notification issued by the 2nd respondent dated 09.11.2019 published in Dinamalar newspaper, dated 09.11.2019 and quash the same and consequently directing the 2nd respondent to conduct fresh election for General Category of S.S.111, Salem and Namakkal District Co-operative Societies Employees Co-operative Thrift and Credit Society, No.27/10, Chinnayeri Vayalakadu 1st street, Pallapatti, Salem-636 009 by allowing all candidates who filed their nominations in previous election conducted on 02.04.2018.

For Petitioner : Mr.C.Prakasam

For R1 : Mr.U.Karunakaran

For R2 and R3 : Mr.U.Baranidharan
Additional Government Pleader



O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned election notification issued by the 2nd respondent dated 09.11.2019 published in Dinamalar newspaper, dated 09.11.2019 and quash the same and consequently directing the 2nd respondent to conduct fresh election for General Category of S.S.111, Salem and Namakkal District Co-operative Societies Employees Co-operative Thrift and Credit Society, No.27/10, Chinnayeri Vayalakadu 1st street, Pallapatti, Salem-636 009 by allowing all candidates who filed their nominations in previous election conducted on 02.04.2018.

2. According to the petitioner, he is a Member of Salem and Namakkal District Co-operative Societies, Employees Co-operative Thrift and Credit Society. The election for Board of Directors was announced with schedule of election. The petitioner and others, totally 15 persons filed their nominations. The Election Officer accepted 12 nominations including the petitioner and rejected three nominations. On the date of scrutinisation, without conducting any election or without rejecting the nomination of the petitioner and four others, the 3rd respondent declared that seven candidates were elected as Board of Directors. According to the petitioner, one Sakthivel approached this Court by filing Writ Petition No.10377 of 2018 for a direction to the 1st respondent to dispose of his representation dated 06.04.2018. This Court, by order dated 25.04.2018, directed the said Sakthivel to approach the Co-operative West Zone committee for the election dispute, appointed as per the order of the First Bench of this Court. As per the order of this Court, the said Sakthivel and one Venkatraman approached the Co-operative West Zone Committee. The said Committee conducted enquiry and set aside the election conducted for General Category and ordered to conduct fresh election for General Category by including two candidates namely, Sakthivel and Venkatraman. As per the said order, the 2nd respondent announced the election schedule for General Category by the impugned notification.

3. The learned counsel appearing for the petitioner submitted that two of the rejected candidates have approached the West Zone Committee. The West Zone committee conducted enquiry and set aside the election conducted for General Category. The 2nd respondent failed to consider the order of the said Committee that 3rd respondent committed grave irregularities for rejecting nominations and ordered directing fresh election. Hence, the impugned election notification is illegal and arbitrary and prayed for setting aside the impugned notification.



4.Mr.U.Karunakaran, learned counsel appearing for the 1st respondent submitted that as per the notification, election was conducted and four persons were elected. Unsuccessful candidates filed two Writ Petitions and the Writ Petitions are pending. The Writ Petition challenging the election notification has become infructuous.

5.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents 2 and 3 submitted that West Zone Committee set aside the election and ordered fresh election directing the 3rd respondent to conduct fresh election for General Category by including two members namely, Sakthivel and Venkatraman alone. As per the order of the said Committee, the impugned election notification was issued, election was conducted, Office Bearers were elected and are functioning for the past 2 ½ years. The impugned notification was issued as per the order of the Committee, there is no irregularity or illegality in the said impugned notification and prayed for dismissal of the Writ Petition.

6.Heard the learned counsel appearing for the petitioner, the learned counsel appearing for the 1st respondent as well as the learned Additional Government Pleader appearing for the respondents 2 and 3 and perused the entire materials on record.

7.From the materials on record, it is seen that in the case of election dispute, the First Bench of this Court constituted Committee for four Zones to consider the dispute of the candidates. According to the petitioner, the 3rd respondent accepted 12 nominations including the petitioner and on the date of scrutinisation itself, without rejecting the nominations of the petitioner and four others, declared seven candidates as elected. One Sakthivel filed Writ Petition No.10377 of 2018 and this Court directed the said Sakthivel to approach the appropriate forum. As per the order of the Co-operative West Zone Committee, the impugned notification was issued. The contention of the learned counsel appearing for the petitioner that 3rd respondent ought to have included all the nominations including the petitioner in the election for General Category and issue of election notification only for six candidates is invalid, is without merits. It is the case of the petitioner that West Zone Committee directed the 3rd respondent to conduct election for General Category including Sakthivel and Venkatraman. The petitioner has not approached the said Committee seeking any remedy to include his name. Having failed to do so, the petitioner is not entitled to the relief now sought for. The impugned notification was issued only as per the order of the Committee and as per the notification, elections were conducted, unsuccessful candidates also filed Writ



Petitions and two Writ Petitions are pending now.

8. For the above reasons, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

kj

To

1. The State Election Commissioner
Co-operative Elections
Kamadhenu Super market building
No.273, Scheme road, Subburaya nagar
Teynampet, Anna salai, Chennai-18.
2. The District Election Officer/
Deputy Registrar of Co-operative Societies
Salem Circle, Salem, Salem District.
3. The Election Officer/Senior Inspector
S.S.111, Salem and Namakkal District
Co-operative Societies
Employees Co-operative Thrift and Credit Society
No.27/10, Chinnayeri Vayalakadu 1st street
Pallapatti, Salem-636 009.

+1cc to the Government Pleader, S.R.No.14652

W.P.No.31859 of 2019
and W.M.P.Nos.32103 and 32104 of 2019

MT (CO)
SB(31/03/2022)