



WP No.5171 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP No.5171 of 2023
and WMP Nos.5174 and 5175 of 2023

K.S.Shanmugam

... Petitioner

-VS-

1. Tamil Nadu State Co-operative Societies
Election Commission, rep. by its Commissioner,
No.273, Kamadhenu Supermarket (1st Floor),
Anna Salai, Chennai 600 018.
2. The Additional Chief Secretary to Government,
Co-operation, Food and Consumer Protection
Dept., Secretariat, Fort St. George,
Chennai 600 009.
3. The Registrar of Co-operative Societies/ State
Election Officer, N.V.N.Maligai, No.170,
E.V.R. Periyar High Road, Kilpauk,
Chennai 600 010.
4. A.A.226 Modakkurichi Primary Agricultural
Cooperative Credit Society Ltd.,
rep. by its President/Secretary,
Chinnampalayam Post, Modakurichi,
Erode 638 104.

... Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents 1 to 3 to obtain Form 16 from all eligible members of the 4th respondent and all other Cooperative Societies, by including their respective Aadhar Number and Family Card Number, to update the List of Members of the 4th respondent and all other Cooperative Societies, as of first day of January of each other, by including all the eligible members and by deleting the names of deceased/left/shifted members, including those who do not have the minimum shareholding, and notify the Final Members' List in the Notice Board of the 4th respondent and all other Cooperative Societies and thereafter conduct election to the 4th respondent and all other Cooperative Societies in the State of Tamil Nadu.

For the Petitioner : Mr.V.Prakash
Senior Counsel
for Mr.P.V.Vinayakhamurthi

For the Respondents : Mr.J.Ravindran
Addl. Adv. General
assisted by Mr.A.Selvendran,
Spl.G.P. for RR 2 and 3

: Mr.P.Muthukumar
State Govt. Pleader for R-4

* * * * *

ORDER



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(Made by the Hon'ble Acting Chief Justice)

Mr.K.S.Shanmugam, S/o.Songappa Gounder, has come up with this writ petition seeking issuance of writ of mandamus to direct respondents 1 to 3 to update the list of the members, notify the final members' list and thereafter to conduct election of the fourth respondent society and all other cooperative societies.

2. Today, the first respondent has filed a counter-affidavit and based on the averments in the counter-affidavit, Mr.J.Ravindran, learned Additional Advocate General appearing on behalf of the respondents 2 and 3, would submit that the second respondent has pointed out various shortcomings and irregularities in the electoral rolls and therefore, six months' time is sought to rectify the same and besides, the term had also expired on 02.04.2023 with respect to 4201 cooperative societies. Therefore, he would submit that the election will be conducted after the electoral rolls are rectified and are in strict compliance of the Act, Rules, bye-laws and circulars issued by the Commission to ensure fair and transparent elections.



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3. Recording the averments made in the counter-affidavit and the submission of the learned Additional Advocate General, this writ petition is disposed of and six months' time is granted as undertaken in the counter-affidavit for the second respondent to rectify all the lapses and defects in the electoral rolls and thereafter, the first respondent shall hold the election. There will be no order as to costs. Consequently, WMP Nos.5174 and 5175 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
28.04.2023

Index : Yes/No
Neutral Citation : Yes/No

sra



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1. The Commissioner,
Tamil Nadu State Co-operative Societies
Election Commission, No.273, Kamadhenu
Supermarket (1st Floor), Anna Salai,
Chennai 600 018.
2. The Additional Chief Secretary to Government,
Co-operation, Food and Consumer Protection
Dept., Secretariat, Fort St. George,
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3. The Registrar of Co-operative Societies/ State
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E.V.R. Periyar High Road, Kilpauk,
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