



W.P.(MD).No.14165 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.11.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

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and

W.M.P.(MD).Nos.11116 of 2021 and 21857 of 2022

1.Shanmugasundaram

2.Vellathai

3.Masudhu Beevi

4.Murugaiah

5.G.Muthusamy

6.Poosaiduraichi

7.S.Veluchamy

.. Petitioners

Vs.

1.The Election Commission,
Tamil Nadu State Co-Operative Societies,
Represented by its Secretary,
No.273, Kamadenu Super Market,
I Floor, Anna Salai,
Chennai - 600018.



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2.The Registrar of Co-operative Societies,
Chetpet,
Chennai – 600 010.

3.The District Election Officer/
Deputy Registrar of Co-operative Society,
Madurai Main Road,
Tenkasi,
Tenkasi District.

4.The Election Officer,
T.S - 30 - Subramaniyapuram Primary Agricultural
Co-operative Credit Society,
Subramaniyapuram,
Tenkasi District.

5.The Deputy Registrar of Co-operative Society/Arbitrator,
Deputy Registrar of Co-operative Society,
Tenkasi Range,
Tenkasi District.

6.M.Muthusamy,
The Deputy Registrar of Co-operative Society,
Cheranmahadevi,
Tirunelveli District.

7.The Secretary,
T.S.30 Subramaniyapuram Primary Agriculture
Co-operative Credit Society,
Subramaniyapuram,
Tenkasi District.

8.Balamurugan

9.Marimuthu



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10.Ramakalanjiam

11.Senthurpandi

12. Amutha

13.Maheswari

14.Menaka

15.Rajeshwari

16.Saraswathi

17.Subbulakshmi

18.Harihara Sivakumar

19.Karuthapandi

20.Karuthapandi

21.Maharajan

22.Manikandan

23.Murugan

24.Rajaram Pandian

25.Thirumalaichamy

26.Velankanni

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records pertaining to the impugned order passed by the 5th respondent vide his Proceedings in Thava No.74/2019-20 dated 23.01.2021 and quash the same as illegal.

For Petitioners : Mr.C.Mayilvahana Rajendran

For R-1 to R-5 : Mr.M.Lingadurai,
Special Government Pleader

For R-6 to R-26 : No appearance

ORDER

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

The Writ Petition has been instituted challenging the order passed under Section 90 of the Tamil Nadu Co-operative Societies Act, 1983 (hereinafter referred to as 'Act') in proceedings dated 23.01.2021.

2. The writ petitioners contested in the election and were unsuccessful. Election Petition was filed before the Deputy Registrar of Co-operative Societies under Section 90 of the Act to declare the election as invalid on several grounds. The Deputy Registrar conducted an enquiry



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under Section 90 and rejected the election petition on the ground that the petitioners have failed to establish any acceptable ground for the purpose of declaring the election as null and void. Hence, the petitioners moved the present Writ Petition.

3. In respect of the election petitions rejected under Section 90 of the Co-operative Societies Act, the order is susceptible to revision under Section 153 of the Act. Thus, the petitioners have to exhaust the statutory remedy provided under Section 153 of the Act. Election disputes require examination of original records and evidence. Such an adjudication cannot be conducted in a writ proceedings. The Registrar of Co-operative Societies is empowered to call for the original records, conduct an enquiry and ascertain the validity of the election conducted to the Co-operative Society. Thus, the revision contemplated under Section 153 of the Act is efficacious. The statutory remedy contemplated and its benefits need not be denied to the petitioners. Therefore, we are inclined to relegate the petitioners to approach the Registrar of Co-operative Societies under Section 153 of the Act.



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4. In view of the above facts and circumstances, the petitioners are at liberty to file a revision petition before the Registrar of Co-operative Societies/second respondent within a period of four (4) weeks from today. On receipt of any such revision petition, the Registrar of Co-operative Societies shall conduct an enquiry by following the procedures and by affording opportunity to all the parties and pass appropriate orders as expeditiously as possible.

5. Accordingly, the Writ Petition stands disposed of. Registry is directed to return the original impugned order to the learned counsel for the petitioners on record. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
29.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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