



W.P.(MD) No.13934 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.13934 of 2023
and
W.M.P.(MD) No.11759 of 2023**

N.Stella

... Petitioner

-VS-

1. The Election Commissioner,
Tamil Nadu State Co-Operative Election
Commission,
Election Commissionerate,
No.273, Anna Salai, Teynampet, Chennai.
2. The Director of Milk Production
and Dairy Development,
O/o.The Director of Milk Production and Dairy
Development,
Mathavaram Milk Colony,
Chennai - 600 051.



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3. The Deputy Registrar of Co-Operative Society (Dairying)

Cum the District Election Officer,
Office of the Deputy Registrar of Co-Operative
Society,
Mudivaithanenthal, Tirunelveli.

4. TUT 34 Tuticorin District Co-operative Milk Producers Union,
Represented by General Manager,
Balavinayagar Temple Street,
Opp. Corporation Office, Tuticorin District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent Nos.1 to 3 to conduct election to fill-up the 6 Casual Vacancies of Directors to Board of the TUT 34 Tuticorin District Co-operative Milk Producers Union within the time period stipulated by this Hon'ble Court.

For Petitioner : Mr.T.Lajapathi Roy
Senior Counsel
for M/s.Lajapathi Roy and Associates

For Respondents : Mr.G.Rajendran for R1

Mr.Veera Kathiravan
Additional Advocate General for R2 and R3

Mr.K.Prabhu for R4



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ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.G.Rajendran, learned counsel takes notice for the first respondent; Mr.Veera Kathiravan, learned Additional Advocate General, takes notice for the respondents 2 and 4 and Mr.K.Prabhu, learned counsel takes notice for the fourth respondent.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit it is therefore prayed that this Hon'ble Court may be pleased to issue a writ or order or direction more in the nature of WRIT OF MANDAMUS directing the respondent Nos.1 to 3 to conduct election to fill-up the 6 Casual Vacancies of Directors to Board of the TUT 34 Tuticorin



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WEB COPY *District Co-operative Milk Producers Union within the time period stipulated by this Hon' ble Court.”*

4. Mr.Lajapathi Roy, learned Senior Counsel appearing for the petitioner would contend that in view of the vacancies, viz, six in number, the functioning of the union itself is paralysed, as there is a equal division of votes for every resolution and the President who is the 11th director cannot vote.

5. Mr.Veera Kathiravan, learned Additional Advocate General, while acknowledging the position, would submit that unless the elections for the Primary Milk Producers Cooperative Societies are conducted, the elections for the District Cooperative Milk Producers Union cannot be conducted. He would also relied upon a direction issued by the First Bench of the Principal Seat of this Court dated 28.04.2023 directing elections to the Primary Milk Producers Cooperative Societies to be concluded within a period of six months therefrom. Therefore, according to him, the authorities would be able to conclude the election process for the Primary Cooperative Milk Producers Societies by the end of October, 2023.



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6. Recording the aforesaid submission, this writ petition is disposed of with the direction to the authorities to conclude the election for the District Cooperative Milk Producers Union within a period of two months from the date of conclusion of the election for the Primary Milk Producers Cooperative Societies. No costs. Consequently, the connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

14.06.2023

NCC : No
Index : No
Internet : Yes
PKN



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