



W.P(MD)No.20383 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.20383 of 2018
and
W.M.P(MD)Nos.18144 & 18145 of 2018**

A.Sivaraj

... Petitioner

VS.

- 1.The Election Commission,
Tamil Nadu State Co-operative Societies,
Represented by Election Commissioner,
No.273, Kamadenu Super Market,
I-Floor, Anna Salai,
Chennai – 600 018.
 - 2.The Registrar of Co-operative Societies,
Kilpauk, Chennai – 600 010.
 - 3.The Election Officer,
D.P.2 Periyakottai Primary Agricultural Co-operative
Credit Society,
Oddanchathiram Taluk,
Dindigul.
 - 4.The Special Officer,
D.P.2 Periyakottai Primary Agricultural Co-operative
Credit Society,
Oddanchathiram Taluk,
Dindigul.
- ... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Na.Ka.No. 6760/2018/Koo.The.2, dated 31.08.2018 quash the same and consequently direct the respondents to resume the election from the earlier stage as per Rule 52(18)(c) of the Tamil Nadu Co-operative Society Rules.

For Petitioner	: Mr.S.Kaithamalai Kumaran
For Respondent No.1	: No appearance
For Respondent Nos.2 to 4	: Mr.Veera Kathiravan Additional Advocate General Assisted by Mr.S.P.Maharajan Special Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition to quash the impugned order passed by the first respondent, dated 31.08.2018 and consequently to direct the respondents to resume the election from the earlier stage as per Rule 52(18)(c) of the Tamil Nadu Co-operative Society Rules.



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2.When the matter was taken up for hearing today, learned Additional Advocate General appearing for the respondents 2 to 4 would submit that the office bearers of the elected body for the Society's tenure is over and hence, the prayer sought for by the petitioner has become infructuous. He would further submit that the Administrator is in-charge of the aforesaid Society.

3.Since the election period is already over and the election disputes cannot be entertained under Article 226 of the Constitution of India and the same has to be decided before the appropriate forum as per the Tamil Nadu Co-operative Societies Act, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
11.03.2024

NCC : Yes / No
Index : Yes / No
ps



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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

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ORDER MADE IN
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