



W.P(MD)No.21321 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.21321 of 2018
and
W.M.P(MD)Nos.19187 & 19188 of 2018**

M.Muniasamy

... Petitioner

VS.

- 1.The State Government of Tamil Nadu,
Represented by its Secretary to the Government,
Department of Food and Co-operative Societies,
Chennai – 5.
- 2.The Election Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission,
No.273, Kamadenu Super Market (1st Floor),
Anna Salai, Chennai – 600 018.
- 3.The Deputy Registrar of Co-operative Societies/
The District Election Officer,
Thoothukudi, Thoothukudi District.
- 4.The Election Officer,
O.831, Thoothukudi Agricultural Producers
Co-operative Sales Society Limited,
No.136, Ettayapuram Road,
Polpettai, Thoothukudi – 628 002.



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WEB CAM 5.S.Muruganandam

6.O.831, Thoothukudi Agricultural Producers
Co-operative Sales Society Limited,
No.136, Ettayapuram Road,
Polpettai,
Thoothukudi – 628 002,
Through its Secretary.

7.V.Shanmugavel

8.S.T.Chellapandian

... Respondents

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 publication of lists dated 08.10.2018 and 09.10.2018 published by the fourth respondent and consequently directing the respondents 2 to 4 to accept the nomination of the petitioner and to reject the nominations of the respondents 7 and 8 and to conduct the election afresh in a fair, unbiased and democratic manner in respect of the sixth respondent Society viz., O.831, Thoothukudi Agricultural Producers Co-operative Sales Society Limited, No.136, Ettayapuram Road, Polpettai, Thoothukudi – 628 002.

For Petitioner

: Mr.M.P.Senthil

For Respondent Nos.1 & 3

: Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.S.P.Maharajan
Special Government Pleader

For Respondent No.2, 4 & 5 to 7: No appearance

For Respondent No.8

: Mr.G.Prabhu Rajadurai



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ORDER

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

The petitioner has filed the present Writ Petition to quash the impugned publication of lists dated 08.10.2018 and 09.10.2018 published by the fourth respondent and consequently to direct the respondents 2 to 4 to accept the nomination of the petitioner and to reject the nominations of the respondents 7 and 8 and to conduct the election afresh in a fair, unbiased and democratic manner in respect of the sixth respondent Society.

2.When the matter was taken up for hearing today, learned Additional Advocate General appearing for the respondents 1 & 3 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



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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
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To

- 1.The Secretary to the Government,
Department of Food and Co-operative Societies,
Chennai – 5.
- 2.The Election Commissioner,
Tamil Nadu State Co-operative Societies,
Election Commission,
No.273, Kamadenu Super Market (1st Floor),
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- 3.The Deputy Registrar of Co-operative Societies/
The District Election Officer,
Thoothukudi, Thoothukudi District.



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- 4.The Election Officer,
O.831, Thoothukudi Agricultural Producers
Co-operative Sales Society Limited,
No.136, Ettayapuram Road,
Polpettai, Thoothukudi – 628 002.
- 5.The Secretary,
O.831, Thoothukudi Agricultural Producers
Co-operative Sales Society Limited,
No.136, Ettayapuram Road,
Polpettai,
Thoothukudi – 628 002.



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

ps

ORDER MADE IN
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DATED : 11.03.2024