



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14576 of 2019
and
WMP (MD) No.11030 of 2019

N.Sivayogan

: Petitioner

Vs.

1.District Election Officer /
Deputy Registrar of Co-operative Societies,
Pudukkottai.

2.Election Officer,
Y.P.651, Pudukkottai District Education Department,
Staffs Co-operative Credit Society,
Pudukkottai.

3.Secretary,
Y.P.651, Pudukkottai District Education Department,
Staffs Co-operative Credit Society,
Pudukkottai.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to reject the invalid votes in accordance with law for the election to the Board of Directors to the third respondent Society held on 24.06.2019 and in consequence thereof declare the petitioner as elected to the Board of Directors of the third respondent Society.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader



O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

WEB COPY Heard both sides.

2.The petitioner seeks for Mandamus directing the second respondent to reject the invalid votes in accordance with law for the election to the Board of Directors to the third respondent Society held on 24.06.2019 and consequently, declare the petitioner as elected to the Board of Directors of the third respondent Society.

3.The grievance of the petitioner is that the second respondent has erroneously accepted certain invalid votes while conducting the election and therefore, he has to be directed to reject those invalid votes and consequently declare the petitioner as elected to the Board of Directors of the third respondent Society.

4.Admittedly, the election was already conducted on 24.06.2019 and the results are also declared. Thus, in effect the grievance of the petitioner is against the declaration of the results to the Board of Directors of the third respondent Society. If the petitioner has any grievance as expressed in this writ petition, a mechanism is available under Section 90 of the Tamil Nadu Co-operative Societies Act, to challenge the election after the declaration of the results. When such avenue was available to the petitioner, he has to resort to such procedure to challenge the election. Therefore, we find that the present writ petition is totally misconceived and accordingly, this writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner, however, with liberty to him to challenge the same under Section 90 of the said Act. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

/ True Copy /

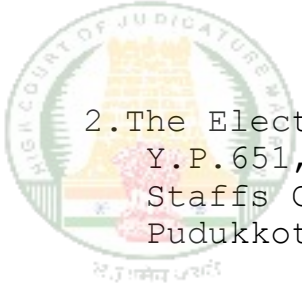
Sub Assistant Registrar (CS-)

rj2

To

1.The District Election Officer /

Deputy Registrar of Co-operative Societies,
Pudukkottai.



2.The Election Officer,
Y.P.651, Pudukkottai District Education Department,
Staffs Co-operative Credit Society,
Pudukkottai.

3.The Secretary,
Y.P.651, Pudukkottai District Education Department,
Staffs Co-operative Credit Society,
Pudukkottai.

+1 CC to M/s.SPL GP (SR-72497[F] dated 01/07/2019)

W.P. (MD) No.14576 of 2019
28.06.2019

ES/09.07.2019/3P/5C