

**THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA  
RAO**

**WRIT PETITION No.36445 of 2015**

**ORDER:**

Heard the learned counsel for petitioner, learned Government Pleader for Cooperation for respondent Nos.1, 2 and 5 and Smt.B.Vijaya Lakshmi, learned counsel for 4<sup>th</sup> respondent.

2. In this Writ Petition, the petitioner has sought a Writ of Mandamus to declare the action of respondents in issuing election notification and election notice dt.26-10-2015 as illegal, arbitrary and violative of article 14 of the Constitution of India and provisions of the A.P. Cooperative Societies Act, 1964 ( for short "the Act").

3. Petitioner contends that his father was a member of the 4<sup>th</sup> respondent Society and he had expired 3 years prior to the filing of the Writ Petition. He contended that 4<sup>th</sup> respondent was obligated to prepare voters list of the members who have paid additional share capital and satisfied Section 25 of the Act and Rule 18 of the Rules framed thereunder and that 4<sup>th</sup> respondent did not take such persons into account and include them in the voters

list. He contended that on 14-10-2015, he submitted a representation to 4<sup>th</sup> respondent to admit new members to the Society, but the 4<sup>th</sup> respondent did not take any steps in the matter and it refused to receive even share capital from the petitioner and others depriving of them an opportunity to vote in the elections.

4. It is not disputed that the election notification was issued on

19-09-2015 appointing the 5<sup>th</sup> respondent as Election Officer for conducting elections of 4<sup>th</sup> respondent Society. Election schedule was also released, pursuant to which the date of filing of nominations was 31-10-2015, date for withdrawal of nomination was 02-11-2015 and the election was to be held on 08-11-2015.

5. Learned counsel for 4<sup>th</sup> respondent has stated that since there was only one nomination for each of the posts of the Managing Committee, the persons who filed the nominations were declared as elected on 02-11-2015 itself. The present Writ Petition was filed on 07-11-2015 and order was obtained on that day by the petitioner stating that “the election to the 4<sup>th</sup> respondent Society to go on but results shall not be finalized.”

6. But as mentioned above on 02-11-2015 much

before the above order was passed, the results of the election of the Managing Committee of 4<sup>th</sup> respondent had already been declared.

7. In view of this, the only remedy open to petitioner is to question the election by raising an election dispute under Section 61(3) of the Act.

8. In this view of the matter, the Writ Petition is dismissed giving liberty to petitioner, if he is so advised, to raise a dispute under Section 61(3) of the Act. No costs.

9. As a sequel, miscellaneous petitions pending if any, in this Writ Petition shall stand closed.

---

**JUSTICE M.S. RAMACHANDRA RAO**

Date: 31-12-2015

Vsv/\*