

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 15275 of 2015

ORDER:

Heard learned counsel for the petitioner, learned Senior Counsel for the respondents 7 and 8 and learned Government Pleader for the respondents 1 to 6.

2. This writ petition was filed challenging the proceedings dated 24.04.2015 in R.C.No.90/2012-E issued by the 4th respondent appointing the 9th respondent as an Election Officer to Mulkanoor Co-operative Rural Bank & Marketing Society Limited without considering the petitioner's representation dated 29.10.2013.

3. At the outset, it is pointed out by the learned Senior Counsel for the respondents 7 and 8 that the Society was not made a party to the writ petition and the writ petition is liable to be dismissed on that ground alone. But the learned counsel for the petitioner submits that the 8th respondent is shown as President of the Society and that is sufficient. In my view, the President is the functionary of the Society, but he cannot represent the Society as such and for filing the writ petition against the affairs of the Society, the Society is a necessary party.

4. A reading of the impugned order dated 24.04.2015 makes it clear that the 9th respondent was appointed as an Election Officer to conduct elections to 5 seats of the Managing Committee of the Society before the due date of 30.06.2015 by following the provisions of the Mutually Aided Co-operative Societies Act 1995 and the byelaws of the Society. A reading of the impugned order does not disclose that it is against any statutory provision or byelaws of the Society. But the learned counsel for the petitioner submits that they have submitted a representation on 29.10.2013 to the 9th respondent stating that they are enclosing a report and a complaint filed before the Hon'ble Lokayukta and some staff members, who are working on contract basis, should not be drafted for election duty for the ensuing elections to be held on 24.11.2013. It is submitted before this Court by the learned Senior Counsel for the

respondents 7 and 8 that the elections were held as scheduled on 24.11.2013, challenging which, a writ petition was filed by the present writ petitioner and the same was dismissed. In any event, the said representation dated 29.10.2013 is not a statutory representation, for which a writ of mandamus can be issued by this Court. The petitioner cannot maintain the present writ petition challenging the appointment of the Election Officer on the ground that his representation dated 29.10.2013 was not considered. It is also now clear that the said representation relates to an election which was held on 24.11.2013. In the circumstances, there are no merits in the writ petition for admission of the same.

5. Accordingly, the Writ Petition is dismissed at the admission stage. Miscellaneous petitions, if any, pending in the writ petition shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

9th June, 2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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