

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.36515 of 2016

ORDER:

The petitioners pray for the following relief :-

“.... to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.7 in seeking to conduct elections for the 3rd respondent society on the basis of amended byelaws and more particularly bye law No.46(ii) as illegal, arbitrary, unconstitutional and violative of Article 14 of the Indian Constitution and consequently direct the respondent No.7 to conduct elections to the respondent No.3 Society without reference to amended byelaws more particularly bye law No.46 (ii)....”

At the time of hearing, learned counsel for petitioners places on record the comprehensive representation dated 1910-2016 given to all the authorities under the Co-operative Societies Act including 4th respondent.

I have with the assistance of counsel appearing for petitioners and also respondents 2 and 3, perused the representation.

This Court is of the view that having regard to the nature of allegations set out in the representation dated 19-10-2016, the 4th respondent being the Commissioner examines representation expeditiously preferably within two weeks from today and takes all decisions that are required within the four corners of Co-operative Societies Act and also the co-operative movement.

The petitioners are given liberty to re-submit representation dated 19-10-2016 within three days by enclosing a copy of this order. It is needless to observe that the objections if any against the mode and manner of functioning of 6th respondent can also be raised before the 4th respondent and the 4th respondent adverts to such objections, affords opportunity to 6th respondent and takes appropriate decision.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 01-11-2016
Prv



S. V. BHATT, J

THE HON'BLE SRI JUSTICE S.V.BHATT



01-11-2016

Prv