

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.9424 of 2015

ORDER:

The petitioner states to be a member/voter of respondent No.5 Society. Respondent No.2 issued a notification on 19.01.2015 proposing to conduct the elections to the Managing Committee of respondent No.5 Society and fixed 07.02.2015 as a date of poll. He appointed respondent No.4 as Election Officer. Respondent No.4 issued election notice indicating the conduct of elections on 07.02.2015. Respondent No.5 submitted a list of 54 eligible members on 04.02.2015 for voting in the said elections, but the elections could not be held on 07.02.2015 in view of the law and order situation created. It appears that the petitioner addressed a letter on 18.03.2015 to the District Collector & District Election Authority to take steps for conducting of elections to the Society. When respondent No.4 issued proceedings on 24.03.2015 asking the petitioner and others on one hand and K.Gopal Goud and others on the other hand to produce the documents/registers relating to respondent No.5 Society for the years 2003-2004 & 2004-2005 within five days so as to consolidate the members list of the society as per the instructions issued by respondent No.3, the present writ petition was filed.

Respondents 6 to 50 were impleaded in the writ petition as per the orders of this Court in W.P.M.P. No.14386/2015 dated 27.04.2015.

Respondent No.2 filed a separate counter affidavit stating that he issued a notification on 19.01.2015 for conduct of elections to the Managing Committee of respondent No.5 Society fixing the date as 07.02.2015. As no nominations were received by

respondent No.4, elections could not be conducted on 07.02.2015. Again another notification was issued on 13.02.2015 for conduct of elections on 23.02.2015. On that occasion also, the elections could not be held in the absence of nominations. Respondent No.3 communicated a note to respondent No.2 explaining the incident that took place on 07.02.2015. He further states that there is a rival dispute between two groups of the Society and the elections could not be conducted due to pendency of the present writ petition and the orders passed by this Court on 27.04.2015.

Respondent No.3 filed a separate counter affidavit admitting the averments made relating to conduct of elections on 07.02.2015. However, he further stated that one B.Laxman Goud, Ex-President of the Society during the period 1994-2002 submitted a representation on 18.02.2015 to the District Collector, Hyderabad and the District Collector made an endorsement thereon to produce all the Society records, but he failed to produce the same. On the same day one K.Gopal Goud, Ex-President for the period 2002-2004, submitted the records and requested to conduct the elections as per the records. In those circumstances, the person in-charge of the Society addressed the impugned letter to K.Gopal Goud and R.Naveen Kumar Goud and others. It was further stated that the elections of the Society could not be conducted due to pendency of this writ petition as this Court by order dated 27.04.2015 directed respondent No.5 to await the orders of this Court for holding the elections. Respondent No.2 also could not pass orders for conducting the elections in view of the above order. He ultimately stated that if this Court directs respondent No.2 to issue notification for conduct of elections, necessary action would be taken.

A reply affidavit was filed by the petitioner denying the

averments made in the counter affidavit.

The impleaded parties filed a separate counter affidavit stating that some members raised objection to the list of members shown in the records as the same has been prepared without consultation of the Society and its records. However, the authorities enquired into the matter and issued the impugned proceedings on 24.03.2015 calling for the records relating to the membership. After perusing the records, the Prohibition & Excise Inspector, who is in-charge of the Society, submitted a report to respondent No.3. It was stated that since the enquiry was completed, the writ petition has become infructuous. They filed a copy of the report prepared by the Prohibition & Excise Inspector, Station House Office, Dhoolpet and submitted to respondent No.3.

Though the writ petition was filed challenging the proceedings dated 24.03.2015, learned counsel for the petitioner submitted that the list of members prepared by the Prohibition & Excise Inspector is not proper and not based on the records. A perusal of the impugned order, dated 24.03.2015, shows that it merely requested for production of record and it cannot be held that such a letter cannot be issued to the parties requesting for conduct of elections.

In the facts and circumstances of the case, I do not see any illegality in the impugned order, and accordingly, this Writ Petition is dismissed. If the petitioner has any grievance with regard to membership of the Society, it is always open to the petitioner to agitate his rights in an appropriate Forum in accordance with law. No order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

26.04.2016
MVA