

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25069 OF 2017

ORDER:

Heard learned counsel for petitioners.

Elections to the fourth respondent Society were sought to be conducted and an Election Schedule was issued by the District Election Authority on 30.08.2016. As per the said Schedule, issue of election notice by the Election Officer was on 27.09.2016; receipt of nominations, scrutiny, publication of valid nominations, withdrawal of nominations, publication of final list of contesting candidates, conduct of poll and declaration of results was on 13.10.2016 and election of office bearers, President, Vice President and Secretary on 13.10.2016.

While so, the Tahsildar, Vemur Mandal, addressed a letter on 12.10.2016, to the District Election Authority stating that there is a break down of law and order situation in Peravali village, as a result of which, elections could not be held on 13.10.2016. In view of the same, the District Election Authority postponed the elections specifically stating that it would recommence from the stage at which it was stopped soon after restoration of law and order situation in the village. Even after restoration of law and order situation, the elections were not held.

One Sri Bommidi Srinivasa Rao, Ex-Secretary of the Society, filed W.P.No.44945 of 2016 and this Court closed the said writ petition on 08.02.2017 giving liberty to the petitioner therein to submit a representation to the respondents for redressal of his grievance. However, on the basis of the report of the Tahsildar, Vemuru Mandal, dated 29.06.2017, Sri B.Veeranjaneyulu, Assistant Registrar, O/o Sub Divisional Cooperative Officer, Bapatla, is suggested to the Joint Director of Fisheries, Guntur, by letter dated 11.07.2017 by the District Cooperative Officer for appointing as Election Officer to conduct elections. The District

Election Authority, in turn, issued proceedings on 14.07.2017 appointing the Election Officer and indicating the date of 25.07.2017 as the date for issuance of election notice by the Election Officer; for receipt of nominations, scrutiny, publication of results etc., the date was 01.08.2017 and election of office bearers, President, Vice President and Secretary was also on the same day. Challenging the same, the present writ petition is filed raising various contentions.

Learned counsel for the petitioners submits that the elections are sought to be held with 29 voters, whereas the total number of voters are 39. She further submits that if the total number of voters are more than 20, Rule 22-B of the A.P.Cooperative Societies Rules shall not be followed for conducting elections and it is applicable only when the number of voters are less than 20.

A reading of Rule 22-B of the Rules does not specify the number of voters and the discretion is given to the Election Authority. However, if the outgoing Managing Committee of the Society desires to conduct elections by secret ballot, it shall request the Registrar to conduct elections by secret ballot by submitting its proposal 60 days before the expiry of the term of the managing committee.

As stated above, the election process is not being started afresh and it is being continued from the stage where it was stopped. In view of the same, this Court is not inclined to entertain the writ petition and the respondents can go ahead with the election process as scheduled with the number of voters existing as on 30.08.2016.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

31.07.2017
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