

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.25292 of 2017

ORDER

Heard learned counsel appearing for the petitioners, learned Government Pleader for Fisheries appearing for respondents 1 to 4 and learned Government Pleader for Cooperation appearing for respondent No.5.

The 1st petitioner is the former President of Fishermen Marketing Co-operative Society, Moosi Project, Nalgonda District. The society was registered under the provisions of A.P.Co-Operative Societies Act, 1964 (for short 'the Act').

It appears that there is some dispute with regard to total number of members. The present writ petition is filed when Rc.No.681/17, dated 11.7.2017 was issued by the District Fisheries Officer, Nalgonda to the District Cooperative Officer, Nalgonda seeking to furnish the names of Assistant Registrars to the election authority for conducting election to two societies including the Fishermen Co-operative

Society Limited, Moosi, Nakerkal, and appointing an Election Officer vide proceedings dated 20.07.2017.

Learned counsel appearing for the petitioners submits that as per Section 31 (3) (b) of the A.P. Co-Operative Societies Act, 1964 (for short 'the Act'), the election shall be conducted by the State Co-operative Election Authority. The Government issued G.O.Rt.No.124, Agriculture and Co-operation (Coop.II) Department, dated 7.3.2017, appointing the Election Authority and Electoral Officers. The elections are sought to be conducted through the present election officer in terms of the said G.O.

Learned Government Pleader brought to the notice of this Court that since the Election Authority and the Electoral Officers constituted under the said G.O., did not commence functioning, it was thought fit to conduct elections in the State. In the meanwhile, the Commissioner of Fisheries issued a Memo dated 30.6.2017 directing the District Fisheries Officers in the State to conduct elections to the pending societies duly obtaining approval of the District

Collector/Election Authority, for appointing the Election Officer as prescribed under Rule 22 of the Telangana Co-operative Societies Act, 1964 and to carry on the process of elections in a phased manner as per procedure i.e., either by show of hands/secret ballot as requested, duly videographing the same in a transparent way.

In view of the present circular of the Commissioner of Fisheries, Hyderabad, conducting of elections to the pending societies by appointing Election Officers after obtaining approval of the election authority, cannot be held to be bad and contrary to Section 31 (3)(b) of the Act, as Section 31 (3) merely states that the election should be held as prescribed.

The Commissioner having thought it fit to conduct elections to the Societies issued circular dated 30.6.2017. Hence, it is for the District Fisheries Officers concerned to conduct elections through its competent officers and such election process cannot be stalled. It is brought to the notice of this Court that election process has already commenced and the elections are going to be held from 1.9.2017. It is also

brought to the notice of this Court that the societies to which elections are going to be held are not made parties to the present writ petition and on this point alone, the writ petition is liable to be dismissed.

With the above observations, the Writ Petition is dismissed at the admission stage. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE A.RAMALINGESWARA RAO

31st July, 2017
rkk

