

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.28696 AND 14703 OF 2017

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they relate to conduct of elections to Karimnagar Cooperative Urban Bank Limited.

W.P.No.14703 of 2017 relates to a challenge to proceedings dated 13.04.2017 issued by the second respondent appointing a Person-in-charge Committee to the Karimnagar Cooperative Urban Bank Limited other than the democratically elected outgoing Managing Committee as a Person-in-charge Committee till the elections are conducted.

A perusal of the said proceedings indicates that the period of elected Managing Committee of the Bank expired on 14.04.2017 and the elections are to be conducted in accordance with the provisions of the Telangana Cooperative Societies Act. It was stated that this Court in W.P.No.6912 of 2017, dated 21.03.2017, directed the State Cooperative Election Authority to conduct elections as per G.O.Ms.No.53, dated 20.05.2016 and in view of the same, a Person-in-charge Committee was appointed for a period of one year or till the elections are conducted, by proceedings dated 13.04.2017. Challenging the said Person-in-charge Committee, the writ petition is filed.

W.P.No.28696 of 2017 is filed challenging the proceedings dated 30.07.2017, whereunder the District Collector/Election Authority issued the Election Schedule for conducting of elections. As per the said Election Schedule, the Election Officer has to be appointed on or before 31.07.2017 and the process should end by 15.09.2017.

As stated above, when the Registrar of Cooperative Societies took note of the order of this Court in W.P.No.6912 of 2017, dated 21.03.2017 and appointed a Person-in-charge Committee for a period of one year or till the elections are conducted by proceedings dated 13.04.2017, the Collector and

District Magistrate/the District Election Authority, Karimnagar should not have issued the proceedings dated 30.07.2017 contrary to the order of this Court. The entire controversy emanated by virtue of amendment made to Section 31 by inserting Section 31-B to the Telangana Cooperative Societies Act, 1964, under G.O.Ms.No.53, dated 20.05.2016 with effect from 20.05.2016 empowering the Government to constitute a State Cooperative Election Authority and to entrust it the superintendence, direction and control of the preparation of electoral rolls and conduct of elections. It was also directed that the election of the Board shall be conducted before expiry of the term of the Board so as to ensure that the newly elected members of the Board assume office immediately on the expiry of the office of the Outgoing Board. It appears that after insertion of Section 31-B, a Circular was issued by the Registrar of Cooperative Societies on 02.11.2016 asking the District Cooperative Officer to send proposals for conduct of elections to the Cooperative Urban Banks before sixty days of the expiry of the term of the Committees. It was followed up by another Circular dated 08.02.2017 issuing certain instructions for appointment of an Election Officer by the Election Authority specified under Rule 22(2) of the Telangana Cooperative Societies Rules, 1964, till State Cooperative Election Authority is constituted by the Government. The Government constituted the State Cooperative Election Authority under Section 31-B of the Telangana Cooperative Societies Act, by G.O.Rt.No.124, Agriculture and Cooperation Department, dated 07.03.2017, with the following officers.

1. Additional Registrar as State Cooperative Election Authority; and
2. Two Joint Registrars as Additional Cooperative Electoral Officers.

In view of the same, it is for the Election Authority to take further steps for conducting of elections to the Committees, where their term expired. Even after the State Government Order, dated 07.03.2017, the District Collector issued the present proceedings on 30.07.2017, which is clearly beyond his

jurisdiction. It appears that the said proceedings was issued by the District Collector based on the order of this Court in W.P.No.13430 of 2017, dated 28.06.2017 directing conduct of elections within six weeks from the date of receipt of a copy of the said order, but the said order has to be implemented only in accordance with law. As stated above, as on the date of passing of the said order on 28.06.2017, G.O.Rt.No.124, Agriculture and Cooperation Department, dated 07.03.2017, is in force. In view of the same, it is for the Election Authority to take necessary steps for conducting of elections in respect of Karimnagar Cooperative Urban Bank Limited, whose term of office expired.

In view of the above, the impugned order, dated 30.07.2017 passed by the third respondent is set aside and the Election Authority constituted under Section 31-B of the Telangana Cooperative Societies Act is directed to take immediate steps for conducting elections to the seventh respondent, Karimnagar Cooperative Urban Bank Limited pursuant to the directions of this Court in W.P.No.13430 of 2017, dated 28.06.2017 and complete the same within a period of eight weeks from the date of receipt of a copy of this order.

The W.P.Nos.28696 of 2017 is allowed and W.P.No.14703 of 2017 is dismissed. Consequently, miscellaneous petitions, pending if any, in these writ petitions shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

12.09.2017
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