

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.17596 OF 2017

ORDER:

Heard the learned counsel for the petitioner and also the learned Govt. Pleader representing the respondents 1 to 4 and 5th respondent Sri N.S.Reddy and perused the Writ Petition Prayer and supporting affidavit and other material including the counter on behalf of the 5th respondent and respondents 1 to 4.

This Writ Petition is filed by the petitioner with the prayer which reads as follows:-

“To issue any appropriate writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents, more particularly the 4th respondent in proceeding to conduct the elections to the 5th respondent Society without following the procedure laid down under Rule 22(2)(b)(vi) of the A.P. Cooperative Societies Rules, as arbitrary, unjust, contrary to law and consequently direct the 4th respondent to consider the objections of the petitioner and take necessary steps in accordance with Rule 22(2)(b)(vi) of A.P. Cooperative Societies Rules; and pass such other order or orders as may deemed necessary in the interest of justice”

One of the contentions of the petitioner that the 4th respondent-Election Officer, appointed by the 3rd respondent(Election Authority) is going to conduct elections without finalization of the original candidates who are entitled to vote and contest as per Rule 22 sub Rule-2 r/ w 18 of the Rules, 1964 made under the Act, 1964 and even objections filed before finalization, were not considered in finalization and list contains several ineligible candidates and it may tilt the result, thereby direct the respondents to stop

the election process till finalization of the voters list of eligible candidates.

Whereas, it is the submission of the respondents that the petitioner also filed nomination and participated though it is subsequent to the date of filing of the Writ Petition and once filed nominations and participating for its finalization and to conduct elections from the polling date fixed the Election Authority to the Election Officer, there is a waiver and he cannot raise the dispute. It is also the submission that it is left open to raise an election dispute before tribunal after elections including on the eligibility of the voters casting vote if shown to invalidate their votes and it is not to interdict the election process. It is also the submission of the learned Govt. Pleader that in the election process, finalization of the voters list is made with reference to the elections conducted, to consider all are eligible voters and thereby there is nothing to interfere with the election process.

Having regard to the above though the Writ Petition is otherwise maintainable as answered by this Court in W.P.No. 18815 of 2017, dt.14.06.2017 including in an election matter and even election process commenced if at all as an exceptional case; in this case on hand, from the nominations filed and the petitioner also one of the persons who filed nominations, there is nothing to interdict the process of election but for left open all contentions including any

contention of ineligibility to invalidate the election of any candidate and on eligibility of the voters in the list finalized to raise as an election dispute.

In the result, the Writ Petition is closed. As a sequel, miscellaneous petitions if any pending in this Writ Petition shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Dt.16.06.2017
vvr

