

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.11282 AND 11693 OF 2016

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they relate to conduct of elections to the VST Workers Cooperative Housing Society Limited.

W.P.No.11282 of 2016 was filed challenging the election programme issued by the Election Officer on 02.04.2016, whereas W.P.No.11693 of 2016 was filed challenging the action of the fourth respondent in preparing the eligible voters' list contrary to the order of the Division Bench of this Court in W.A.No.1016 of 2015, dated 13.11.2015. In view of the stay granted by this Court, the elections could not be held. When the writ petitions are pending, the Telangana Cooperative Societies Act, 1964 was amended constituting a separate Election Authority for conduct of elections.

As per the averments made in W.P.No.11282 of 2016, the Housing Society is having 186 members. They are all employees or retired employees of Vazir Sultan Tobacco Company and members of VST Workers Cooperative Housing Society Limited, Azamabad, Hyderabad. The Society purchased the land in Kushaiguda of Ranga Reddy District for allotment of the same to its members. Initially, the Election Notification was issued on 29.12.2014 and the same was challenged in W.P.No.1431 of 2015, which was disposed of on 09.11.2015. Against the said order, the matter went before the Division Bench in W.A.No.1016 of 2015 and the Division Bench of this Court by order dated 13.11.2015 passed the following order.

“The Election Officer, who has already been appointed, shall commence the election process from the stage contemplated by sub-clause (i) of clause (b) of sub-rule(2) of Rule 22 of the Andhra

Pradesh Cooperative Societies Rules, 1964 (for short, 'the Rules') and shall publish final list of members eligible to vote within the time stipulated under the Rules and then proceed to conduct election process such as inviting nominations and complete the election process within a period of four months from today".

Learned Special Government Pleader is directed to communicate this order to the Election Officer and the Chief Executive Officer within a period of one week from today. It is needless to mention that the Election Officer as well as the Chief Executive Officer shall complete the process as contemplated by the relevant rules within the stipulated time. It is also needless to mention that at the stage of preparation of voters list, the due procedure contemplated by the Rules shall be followed by the Election Officer and the Chief Executive Officer. While dealing with the issue of deletion of any name from the voters list, the principles of natural justice shall be followed.

With these observations, the writ appeal is disposed of. As a consequence thereof, the order dated 09.11.2015 passed by the learned single Judge renders ineffective."

After the said order, the Election Officer was appointed and he issued an Election Programme on 02.04.2016, which was challenged in W.P.No.11282 of 2016. As stated above, in view of the stay granted by this Court, the elections could not be held.

Now Section 31 was amended by inserting Section 31-B in the Telangana Cooperative Societies Act, 1964 by 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 entrust it with the superintendence, direction and control of the preparation of electoral rolls and conduct of elections. Hence, the Election Authority is competent to prepare electoral rolls. The State 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 conduct of elections to the Society, which term had already expired and is being managed by a person in-charge.

In view of the above facts and subsequent events making Amendment to the Telangana Cooperative Societies Act, the entire election process initiated earlier is set aside and the Election Authority is directed to prepare electoral rolls in accordance with law and conduct elections to the VST Workers Cooperative Housing Society Limited and complete the process within a period of six months from the date of receipt of a copy of this order.

The writ petitions are accordingly allowed to the extent indicated above. Consequently, miscellaneous petitions, if any pending in these writ petitions, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

11.10.2017
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