

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**TUESDAY, THE THIRTEENTH DAY OF NOVEMBER TWO
THOUSAND AND EIGHTEEN**

**Present
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION No.38437 of 2018

Between:

Pingali Soujanya, D/o. P.Manmohan Reddy
aged about 43 years, (Society Admission No.7503),
R/o. Vangara Village, Bhimadevarapalli Mandal,
Warangal Urban District and 16 others

.. Petitioners

AND

The State of Telangana,
Rep. by its Principal Secretary to Government,
Co-operative Department, Secreteriat Buildings,
Saifabad, Hyderabad and 2 others.

.. Respondents

The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38437 of 2018

ORDER:

This writ petition is filed by 17 members of the Mulkanoor Co-operative Rural Bank and Marketing Society Limited challenging the conducting of elections to Ward numbers 4, 6, 11, 13 and 15 scheduled to be held on 28.10.2018.

The burden of song of petitioners is that except petitioner No.15, all other petitioners belong to Ward numbers 2, 5 and 7 and due to illegal policies pursued by the governing body of the Society, they are deprived of their right to exercise franchise for a long time i.e., for 80 months no elections were held for these Wards whereas elections were held to other Wards including the Wards for which the election was scheduled to be held on 28.10.2018.

Heard the learned counsel for the petitioners, Smt K.Udaysri, learned counsel representing respondents 4 and 5 and learned Government Pleader for Cooperation.

Learned counsel for the petitioners submits that Byelaw No.21 of the Byelaws of the Society deals with Elections and clause 13 of Byelaw No.21 deals with division of constituencies. There are 15 electoral constituencies divided into Wards and voters are enrolled into these wards as per clause 13(1) (c). With an interval of 20 months, elections are to be held for 5 Wards each time and in this manner in 60

months election should be held to all the Wards. That being so, even after 80 months, no election is held to Ward numbers 2, 5 and 7 and the same is illegal.

According to learned counsel representing 4th and 5th respondents, the Society passed resolution on 13.02.2015 and in terms of the said resolution election was held to Ward numbers 2, 5 and 7 in March, 2013 and the contention of the learned counsel for the petitioners that no election was held for 80 months is not correct. As per Byelaw No.13, revision of reservation to social groups is required to be done for every five years and the Society has passed a resolution on 10.02.2017 reassigning reservation points based on the voters strength in the respective Wards. In March, 2017 elections were conducted to the electoral constituencies 3, 12, 14, 8 and 9 and in May, 2015 elections were conducted for the electoral constituencies 1, 6, 8, 3 and 14. For Ward numbers 1, 5, 7, 12 and 10 elections are scheduled to be held in June 2020. Elections are held for Ward numbers 4, 6, 11, 13 and 15. She would therefore submit that elections are held as per Byelaws and there is no deviation. She would further submit that the deponent to the affidavit filed in support of the writ petition filed his nomination on 12.10.2018, but has not disclosed this fact.

Learned counsel for petitioner fairly submits that this fact was not informed to him and that 15th petitioner is no way concerned with Ward numbers 2, 5 and 7. That apart, as

seen from the material on record, as per Byelaw No.21, for every five years, Society need to reallocate the reservation points to various Wards as per the strength of the members in respective Wards. The material on record would disclose that resolution was passed in February, 2013 for reassigning the reservation points. Accordingly election was held to Ward numbers 2, 5 and 7 in March 2012. As per further resolution passed by the Society, the election to Ward numbers 1, 5, 7, 10 are scheduled to be held in June 2020. This decision made in the year 2015 is not under challenge. All the petitioners except petitioner No.15 is no way concerned with Ward numbers 4, 6, 11, 13 and 15 to which the elections were on 28.10.2018.

The material on record do not disclose any deviation from the provisions of the Byelaw warranting interference of this Court. Further, the petitioners are no way concerned with the present election to Ward numbers 4, 6, 11, 13 and 15. There is no merit in the writ petition warranting interference of this Court.

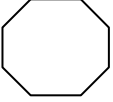
Accordingly, the writ petition is dismissed, leaving it open to the petitioners to work out their remedies, if so advised against the decision of respondent Society in reallocation of reservation of points to conduct elections to the respective wards.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

P.NAVEEN RAO, J

Date: 13.11.2018
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HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION No.39560 of 2018

Date:08.11.2018

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