

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.23133 OF 2019

ORDER :

This writ petition is filed challenging the action of respondents 2 to 4 in issuing Election Schedule/Notification vide RC.No.1090/N/SCEA/2019, dated 03.10.2019 and consequential election notice dt.16.10.2019, respectively, proposing to conduct the elections to the 5th respondent Society, without following due process of law, as illegal and arbitrary and for consequential directions.

]Learned Counsel for the petitioner submits that the elections notice does not provide reservation to Scheduled Caste and Backward Class communities and that though they have made representation on 21.10.2019, without considering the same, the election authorities are going to conduct elections to the 5th respondent society.

Learned Government Pleader for Cooperation submits that as per Section 31 (1)(b) of the Telangana Co-operative Societies Act, 1964 one seat should be reserved for Scheduled Caste or Scheduled Tribe and that election notification was issued in terms of the said provision, as such, elections are being conducted in terms of the statute. He further submits that if petitioner has any grievance, he has alternate remedy under Section 61(3) and (4) of the Act of 1964 read with Rule 49(B) of the Telangana Co-operative Societies Rules, 1964 (for short 'the Rules of 1964')

It is to be seen that Section 31(1)(b) of the Act of 1964 provides for one seat for SC or ST and the impugned notice also shows that one seat is reserved for ST, as such, issuance of election notice cannot be faulted. Learned counsel for petitioner is not able to place before this Court any other provision to show that election notification is in violation of any other provisions of law. In view of the same, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed. However, if petitioner is aggrieved by conducting of elections, it is always open to him to avail alternate remedy under Section 61(3) and (4) of the Act read with Rule 49(B) of the Rules of 1964 after declaration of results. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

23.10.2019
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Date: 23.10.2019

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