

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.3687 of 2020

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 2nd respondent in acting upon the representations of the petitioners dt.19.7.2019, 15/ 9/ 2019, 17/ 10/ 2019, 27/ 1/ 2020 and 3/ 1/ 2019 respectively as being illegal, arbitrary and unconstitutional and consequently direct the 2nd respondent to forthwith act upon the said representations.....”.

Heard Mr.M.Karuna Sagar, the learned counsel appearing for the petitioners and Sri K.LN.Raghavendra Reddy, learned Standing Counsel for Central Government appearing for the respondents.

It has been contended by the petitioners that they are the members of the 3rd respondent Co-operative Bank and the elections are scheduled to be held during April, 2020. In view of past experience, they apprehend that elections would not be conducted fairly. Therefore, the petitioners have submitted a representation on 27.01.2020 to conduct elections in a fair manner and in accordance with law. But, so far, the respondents have not disposed of the said representation.

Learned counsel appearing for the petitioners submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner and pass appropriate orders in accordance with law and

further direct the 3rd respondent to conduct elections in a fair manner and in accordance with law.

Learned Standing Counsel for Central Government appearing on behalf of the respondents contended that the elections are yet to be notified and the elections are to be held in the month of April, 2020. The 3rd respondent will conduct the elections in accordance with law. The apprehension of the petitioners that the elections would not be conducted in accordance with law is premature. If the elections are not conducted in a fair manner, it is always open for the petitioners to challenge the same in accordance with law. But, on mere apprehension, the petitioners cannot approach this Court stating that the elections would not be conducted in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that on mere apprehension of the petitioners, the writ petition cannot be entertained. If the petitioners submitted a representation to the 2nd respondent, it is always open for them to pursue their remedies before the 2nd respondent. But, the writ petition under Article 226 is not maintainable, that too on a mere apprehension that the elections would not be conducted fairly in the future. Further, in anticipation of an illegality, no writ would lie and only when injustice has been done, the aggrieved persons can approach this Court challenging such illegal actions. Therefore, there cannot be a Mandamus in anticipation of future misdeeds. Hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 20-02-2020
Prv

