

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 4939 of 2020

O R D E R:

Petitioners assert that in view of mismanagement of respondent No.5-Lal Darwaza Toddy Tappers Cooperative Society Limited, elections were conducted and large number of Members were eliminated and challenging the same, petitioner No.1 and some of the Members of respondent No.5 filed O.P.No.8 of 2015 and the Cooperative Tribunal, Hyderabad, *vide* order dated 12.10.2018 allowed the same by setting aside such elections; that challenging the same, respondent Nos.6 to 8 and two other elected Directors filed W.P.No.38136 of 2018 and some of the Members, whose names were removed from the voters list, filed W.P.No.29168 of 2019 and this Court *vide* common order dated 07.01.2020 disposed of both the writ petitions with the direction to the authorities concerned to follow Rule 22 of the Telangana Co-operative Societies Rules, 1964 in preparation of the voters list before proceeding with the elections to respondent No.5 and that during pendency of W.P.No.38136 of 2018, respondent No.4-District Prohibition & Excise Officer, Hyderabad issued proceedings dated 21.12.2019 appointing respondent Nos.6 to 8 as persons-in-charge on *ad hoc* basis. In the circumstances, the petitioner filed this writ petition for setting aside the said proceedings and for issuance of a direction to respondent No.4 to appoint an Officer of the Department as person-in-charge of respondent No.5 Society and for conduct of elections thereto.

The sum and substance of the arguments of the learned counsel for the petitioners is that while their working as President, Vice-President and Director of respondent No.5, respondent Nos.6 to 8 eliminated a large numbers of voters from the voters list, as such, the respondent authorities ought not to have entrusted them the preparation of voters list for conducting fresh elections and that respondent Nos.6 to 8 were found non-trustworthy, therefore, their continuation as persons-in-charge is arbitrary, illegal and unsustainable.

Learned Government Pleader for Prohibition and Excise appearing for respondent Nos. 1 to 4 while resisting the submissions of the learned counsel for the petitioners submits that appointment of respondent Nos.6 to 8 as persons-in-charge of respondent No.5 is only on *ad hoc* basis and the same does not call for interference by this Court.

Learned counsel for respondent Nos.6 to 8 also adopted the submissions of the learned Government Pleader.

It is clear from the facts and circumstances of the case as well as the writ prayer that respondent Nos.6 to 8 were appointed as persons-in-charge on *ad hoc* basis. As it is only the apprehension of the petitioners that respondent Nos.6 to 8 would commit misdeeds, this Court in exercise of power under Article 226 of the Constitution of India, cannot direct respondent No.4 for appointment of an Officer of the Department as person-in-charge in the place of respondent Nos.6 to 8.

For the aforesaid reasons, this Court declines to exercise its discretion under Article 226 of the Constitution of India to entertain the writ petition as it does not find any reason to interfere with the impugned order.

The writ petition is accordingly dismissed.

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

Dt:06.03.2020

CHALLA KODANDA RAM, J

Note: Issue cc in one week.
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