

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.6577 OF 2007**

**Dated 30<sup>th</sup> March 2007**

**Between:**

The Fisherman Co-operative Society Limited,  
Cheruvupally village, Nalgonda District,  
Rep.by its President P.Nagaiah

...Petitioner

and

The Election Officer, Fisheries Co-operative  
Society, Cheruvupally & others.

...Respondents

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**ORDER:**

The petitioner society challenges the notification dated 24.3.2007, issued by the Election Officer, the 1<sup>st</sup> respondent herein, to conduct election of the Managing Committee of the society. The grievance of the petitioner is that respondents 3 to 29 were wrongly included in the voters list. It is alleged that the said members were included, on a direction issued by the Deputy Director of Fisheries, the 2<sup>nd</sup> respondent herein, acting on the letter addressed by the local MLA. It is stated that the petitioner filed C.T.A.No.35 of 2004, before the A.P. Cooperative Tribunal, Warangal, assailing the said list and, in fact, obtained orders of interim stay in I.A.No.164 of 2004. According to the petitioner, the CTA was dismissed for default on 5.12.2005, and even while an application for restoration of the CTA is pending, the

election notification was issued.

Heard the learned counsel for the petitioner and learned Government Pleader for respondents No.1 and 2.

The District Collector and Election Authority declared the election programme, through his proceedings dated 6.6.2007, and the 1<sup>st</sup> respondent was appointed as Election Officer. Before the 1<sup>st</sup> respondent issues election notification, the process of finalization of voters list is to take place. Grievances, if any, were to have been made at that stage. In the voters list that was published by the Election Officer, names of respondents 3 to 29 are included. Once the voters list has been finalized, and an election notification is issued, this court cannot interdict the proceedings. In case, the petitioner is able to demonstrate that the inclusion of respondents 3 to 29 is opposed to law and that they ought not to have been permitted to participate in the election, they can challenge the election itself, by filing a properly constituted petition, before the concerned court. This court is not inclined to interfere with the election, at this stage.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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**30<sup>th</sup> March 2007**

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