
(2011) 07 P&H CK 0081

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 14663 of 1999 (O and M)

A.S. Gill and Others

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 08-07-2011

Acts Referred:

Citation : (2011) 163 PLR 544

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Judgement

K. Kannan, J.—The petition seeks for a mandamus direction to quash the election with the list of members/voters what is attached to the annexure P-15. The electoral process which was challenged, was an election that was to be held on 18th October, 1999 to the Managing Committee of the Varpal Cooperative Agricultural Service Society Limited, Tehsil and District Amritsar. The election appears to have been held but the results were directed to be not declared by interim orders of this Court.

2. While the petitioners would seek for audience of the Court to urge how the electoral process was vitiated that compelled the petitioners to seek intervention of the Court, the respondents are interested in contending that the petition itself is not maintainable and there was a procedure for challenging the election through an election petition, if the election had been concluded and it was found to be vitiated in any manner.

3. I decline to go to the merits of the contentions raised by the parties as contended by them as it is a meaningless exercise in a situation where the period of office, which the elected members would have carried on has already expired. It shall also be impermissible to allow for the election result to be announced for the officers to be declared as elected to continue the office from the date when the Court passes the order. Even if it were to be found that the petitioners contention was worthy of acceptance and the election process was vitiated in any manner, the order of stay and the inability to declare results within the period of

five years literally made the entire exercise irrelevant for examining the contention of either of the parties. I dismiss the petition as having become infructuous.

4. The contention of the respondents inter alia is that in terms of Section 26(1) (b), the term of office shall be five years only from the date of election and in case where the election result was not announced, it must be understood that the term will commence only from the date when the order of stay ceases and the results are to be directed. I find this contention to be not tenable in terms of the language that the Section employs that the period commences only from the date of election and if declaration of result is stopped through any process for a period of more than even five years, it would only mean that the process itself become vitiated and it shall not become possible for announcing the results to allow the officers to assume their office afresh after the period of five years.

5. It is contended by counsel for the petitioners that on account of the interim orders, originally, an Administrator was appointed for a period of six months to continue in office and after the tenure, a Supervising Officer was appointed, who has been managing the affairs of the society. The Registrar, Cooperative Societies, Punjab is directed to ensure that a fresh election process is commenced and the election held in accordance with law and all the necessary preliminaries for getting the election notified and the conduct of election shall be done and concluded within a period of six months from the date of passing of this order.

6. The writ petition is disposed of in the above terms.