

(2020) 08 GUJ CK 0165

In the Gujarat High Court

Case No : R/Special Civil Application No. 8758 Of 2020, Civil Application (For Interim Relief) No. 1 Of 2020

Dineshbhai Manorbhai Bariya

APPELLANT

Vs

State Of Gujarat

RESPONDENT

Date of Decision : 13-08-2020

Acts Referred:

Constitution Of India, 1950 — Article 226

Gujarat Specified Cooperative Societies Election To Committees Rules, 1982 — Rule 3A, 3A(1), 3A(2), 3A(3), 3A(4), 3A(5), 3A(6), 3A(7), 3A(8), 3A(9), 3.9(B), 3.9(C), 3(A) (1-7)

Gujarat Cooperative Societies Act 1961 — Section 14, 74B(1), 74(C), 145A, 145B, 145B(b), 145C, 145D, 145E, 145F, 145G, 145H, 145I, 145J, 145K, 145L, 145M, 145N, 145O, 145P, 145Q, 145R, 145S, 145T, 145U, 145V, 145W, 145X, 145Y, 145Z, 153

Citation : (2020) 08 GUJ CK 0165

Hon'ble Judges : A.Y. Kogje, J

Bench : Single Bench

Advocate : Dilip B Rana, V.C.Vaghela, Dhawan Jayswal

Final Decision : Dismissed/ Disposed Of

Judgement

A.Y. Kogje, J

[1] This petition under Article 226 of the Constitution India is filed for quashing and setting aside the impugned decision dated 01.07.2020 by

respondent No.4 namely the Bharuch District Co-operative Milk Producing Union Limited (for short "Respondent No.4-Union"). It is also prayed

in the petition seeking direction to respondent No.4 to follow the procedure for delimitation of constituencies for the purpose of ensuing election of

managing committee of respondent No.4.

[2] The petitioner has raised question of law as to whether Managing Director of the respondent No.4-Union has powers to decide the objections

raised by the petitioner and to publish the final list of constituencies under the provisions of Rule 3-A(9) of the Gujarat Specified Co- operative

Societies Election to Committees Rules, 1982 (for short "Election Rules, 1982"). The another question raised, inter alia, is that the term of the

existing managing committee ends on 29.06.2020 and therefore, last accounting year of the registered member societies will be 2019-2020 however,

the respondent No.4-Union has called for accounting records of the year 2018-2019, which is not in consonance with the Election Rules, 1982.

[3] Learned advocate Mr. Dilip Rana appearing for the petitioner submitted that the petitioner is a member of the respondent No.4-Union. Last

election of the managing committee of respondent No.4 was held on 29.06.2015. The result was declared on 30.06.2015. The term of the managing

committee being for a period of five years was to end on 29.06.2020. Public notice was issued in the newspaper on 19.02.2020 by respondent No.4-

Union informing the members inviting applications alongwith the resolutions appointing representatives and necessary documents. On 09.03.2020,

notice was issued in newspaper for preparing provisional list of constituencies for ensuing election to the managing committee under Rule 3-A of the

Election Rules, 1982 and invited objections and instructions, if any.

[3.1] It is submitted that the petitioner in his capacity as Chairman of a member society filed objections before the Managing Director of respondent

No.4-Union, however on account of the Lockdown, no further procedure was undertaken. Therefore, again on 15.06.2020, the petitioner filed

objections before the Managing Director to which there was no response and hence, again on 30.06.2020 reminder was sent to the Managing Director

of respondent No.4-Union. It is submitted that instead of responding to the objections of the petitioner, the Managing Director on 01.07.2020 issued an

advertisement in the newspaper finalizing the list of delimitation of constituencies for the purpose of election. Though in the pleadings, the petitioner

had raised five questions of law, narrated in para 3.9 of the petition, learned advocate has focused his arguments on two issues namely the Collector is

the only authority to publish the final voters list of delimitation of constituencies and therefore, the action on the part of the Managing Director of

respondent No.4-Union in publishing the list of delimitation of constituencies is without jurisdiction. The other contention focused by the petitioner is

that the action of calling for the records of the accounting year 2018-2019 is not in consonance with the Election Rules, 1982 which requires

consideration of the record of the year preceding to the year in which election of the committee is scheduled. Meaning thereby, as the election is

scheduled in the year 2020, the preceding year is treated as year 2019-2020 for that purpose.

[3.2] Learned advocate for the petitioner submitted that though the decision has been taken by the Managing Director of respondent No.4-Union and

communicated to the petitioner which is at Annexure-A, the Managing Director of respondent No.4-Union is not authorized to take the decision. Over

and above, while referring such decision, the respondent No.4-Union has not at all taken into consideration the valid objections raised by the petitioner.

[3.3] Learned advocate thereafter, took this Court to the provisions of Election Rules, 1982 to submit that Sub-Rule (1) of the Rules provides for

preparing provisional list of constituencies in the year preceding the year in which the election to committee is scheduled and therefore, the respondent

No.4-Union ought to have treated as year 2019-2020 as a year preceding as contemplated under Rule 3-A of the Election Rules, 1982. It is submitted

that the malafide intention of the respondent No.4-Union is evident from the fact that the respondent No.4-Union has invited resolutions and accounts

from the member primary societies for the year 2018-2019. It is submitted that such act on the part of the respondent No.4-Union is adversely

affecting the petitioner.

[3.4] It is submitted that Sub-Rule (9) of Rule 3-A of the Election Rules, 1982 gives power to the Collector to prepare delimitation of the constituencies

prior to the publication of list of voters. However, in the present case, by the impugned decision at Annexure-A, it is the Managing Director of the

respondent No.4-Union who has prepared the list of delimitation of constituencies and therefore, not in consonance with Rule 3-A(9) of the Election

Rules, 1982. Learned advocate thereafter, submitted that the respondent authorities are proceeding ahead with hot haste and therefore, the petitioner

was constrained to file separate Civil Application. It is submitted that after the issuance of the notice by this Court in the main matter, the respondent

No.4-Union has proceeded to declare the election program. In the Civil Application, once again, the petitioner has strongly based his arguments on the

action of the respondent No.4-Union in calling for the resolutions and accounts of the year 2018-2019 and vide Annexure-B to Civil Application, has

produced the election program stating that the issue of delimitation is already decided without following any procedure or calling upon for any objection

or not dealing with the objections raised by the petitioner.

[3.5] It is submitted that firstly the Managing Director of respondent No.4-Union is not authorized to publish the final list of delimitation of

constituencies which the respondent No.4-Union has done, according to the petitioner, is without jurisdiction. It is submitted that the objections raised

have been decided by the impugned decision at Annexure-A dated 01.07.2020, wherein five issues raised by the petitioner have been rejected, but at

the same time, the respondent No.4-Union has not afforded any hearing to the petitioner and therefore, also the decision is bad in law.

[3.6] Learned advocate for the petitioner has relied upon the decision in the case of Aranitimba Seva Sahakari Mandali Limited V/s. State of Gujarat,

reported in 2017(4) GLR 3566. Relevant paras are as under:-

â??10 It may be noted that the issue with regard to the powers of the Collector under Rule 3A(9) was being raised from time to time before this

Court and there being contradictory views expressed by the two Division Benches, following issues were referred to the Full Bench in case of

Narendrabhai Mahijibhai Patel & Ors. Vs. State of Gujarat and Ors., in SCA No.12067 of 2012 and others.

(1) Whether Rule 3A of the Rules introduced by the Amendment dated 10.8.1987, could be applied to the Societies byelaws of which provide for a

single constituency?

(2) Whether the scheme of the Rules permits the specified Societies having a single constituency, more than one seat for one constituency; and

whether members of such society can legally be permitted to vote for more than one seat?

(3) Whether Collector has jurisdiction to make an order for delimitation of the constituencies, in absence of any proceeding undertaken in accordance

with Section 14 of the Act?

(4) Whether delimitation of the constituencies under Rule 3A of the Rules can only be territory wise and/or whether delimitation of the constituencies

can be based upon objects and activities of the member societies or classes of

individual members?

11 The said issues were answered by the Full Bench as under in the common judgment dated 4.7.2013.

(1) Rule 3A of Rules of 1982 could be applied to the societies byelaws which provides for a single constituency because Rule 3A is essentially for

delimitation of the constituencies and preparation of the voters' list. But we clarify that sub-rule(1) to sub-rule(7) would apply in case of all specified

societies, whether byelaws provide for a single constituency or more than one constituency. Sub-rule(8) would apply to all specified societies having

byelaws for single constituency only if its area of operation is in more than one village. Sub-rule(9) would apply to all specified societies where

delimitation of the constituencies are required to be made by the Collector.

(2) The scheme of the Rules of 1982 do permit specified societies having single constituency, provided the area of operation is limited to one village

and in those circumstances, more than one seat may be provided under the byelaws for one constituency. The members of such societies can legally

be permitted to vote for more than one seat.

(3) The Collector has the power to pass an order for delimitation of the constituency, even in absence of any proceedings undertaken in accordance

with section 14 of the Act.

(4) The delimitation of constituency under Rule 3A of the Rules can also be territory wise. The delimitation of the constituencies can be based upon

the objects and activities of the societies for the classes of individual members since each electorate is to represent the respective members of a

particular area or a particular class, as the case may be.â??

[3.7] He also placed reliance upon the judgment in the case of Kamalpur Dudh Utpadak Sahakari Mandali Limited v/s. Returning Officer and Deputy

Collector, reported in 2016 (1) GLR 611, relevant paras read as under:-

â??4 The Managing Director of the respondent No.3 society forward the proposal as per the instructions of the District Registrar, but the respondent

No.1 thereafter has not passed any formal order for delimitation of the society and published the very proposal received as submitted by the Managing

Director of the respondent No.3 society and started with the process of publication of the preliminary voters' list.

7 As per Sub Rule 9 of Rule 3A of the aforesaid Rules, the delimitation of the constituency is to be made by the Collector prior to the publication of the list of voters. Therefore, the constituencies shall be as prescribed in the bye-laws, but within a particular constituency delimitation is to be made by the Collector.

12. In our view, the attempt cannot be countenance for the simple reason that once a particular constituency is already identified and expressly

provided in the bye-laws, unless it has been shown as contrary to any statutory provision of the Act or the Rules, it is to be given effect. It is within a

particular constituency, delimitation may be made by the Collector. When the bye-laws provided for 14 seats to be elected from general member

cooperative societies without there being making any provision for each constituency within the said constituency it might stand on different footing

and different consideration, but in the present case, the bye-law further provides for each one seat for a constituency Taluka-wise, meaning thereby

there will be 14 constituencies for fourteen seats and such constituency has to be Taluka-wise. No provisions is shown to us under the Rules or the

Act which provides that by virtue of bye-law, such constituencies cannot be defined in any particular society. In any case, bye-laws are not under

challenge. Under the circumstances, it was obligatory on the part of the respondent No.1 to apply his mind to find out as to whether the proposal

forwarded for election by providing constituencies is proper or not. As in the present case, Collector has not passed any formal order for approving the

delimitation of the constituency or making delimitation of the constituency, the action as part of the Collector can be said as without following

mandatory procedure. Even if the powers were to be exercised, the constituencies were required to be formed as per the bye-laws and the

delimitation could be made within the constituency by the Collector if required as observed earlier. As such when the objections were raised before

the respondent No.1-Collector, in light of the aforesaid legal position, he could have himself provided for the constituency but such has not happened

and instead that, the objections are rejected. Hence, we find that such aspects go to the root of the matter pertaining to the formation of the

constituency has not been followed, which is mandatory on the part of the District Collector as per the decision of this Court in Special Civil

Application No.12067 of 2012 and allied matters dated 04.03.2013 read with the above referred decision of the Apex Court in case of Rajkot District

Cooperative Bank Limited (supra). Hence, we find that impugned action on the part of the respondent No.1 at Annexure:A as well as at Annexure:B

cannot be sustained in the eye of law and deserves to be quashed and set aside with the further direction to the respondent No.1 to form the

constituency as per the bye-laws and to further exercise the power of delimitation and to initiate the process for holding of the election at the earliest

and to complete the same as early as possible??.

[4] As against this, learned Assistant Government Pleader has opposed the petition as well as Civil Application contending that the Collector is the

authority which has published the list of delimitation of constituencies and it is the Collector who has acted under Rule 3-A(9) of the Election Rules,

1982. The contention of the petitioner is completely false and as per the Rules 3-A(1) to 3-A(7) of the Election Rules, 1982, which are the functions of

the respondent No.4-Union which the Union has to undertake and thereafter, for the purpose of Sub Rules (8) and (9) of the Election Rules, 1982, the

Collector will come in picture. Learned AGP draws attention of this Court to document dated 31.07.2020 bearing reference No.Chatan/Dudhdhara

Dairy/Vashi/1209/2020 and submit that this document is very much the part of the Annexure- B produced by the petitioner alongwith the Civil

Application. However, this part is missing in that document. To this, the Court had immediately put the document to the learned advocate for the

petitioner and inquired whether he has knowledge of this document, to which it is submitted by learned advocate for the petitioner that he has no

knowledge of this document and when inquired whether he would like to take instructions on such document, learned advocate for the petitioner asked

the Court to proceed and conclude the hearing.

[5] Learned advocate appearing for respondent No.4 has submitted that as provided in Rule 3-A, the Secretary or the Chief Executive Officer shall, in

the year preceding the year in which election is scheduled, shall prepare a provisional list of constituencies. It is submitted that the term of the present

committee was to expire on 29.06.2020 and therefore, the election was required to be concluded before such date. It is submitted that the election was

to be held in the year 2020 and therefore, the constituencies as well as voters??

list was to be prepared as per the conditions prevailing on

31.03.2019. It is submitted that the Managing Director is the Chief Executive Officer of the Society and with a view to complete timely election, the

deponent called for the resolutions and information of the society in the prescribed format on 19.02.2020 and it had to reach on or before 04.03.2020.

Based on such information provided by the member societies, the deponent published a provisional list of constituencies on 09.03.2020 and invited

objections on or before 24.03.2020. It is submitted that the petitioner filed objection on 18.03.2020 raising objection with regard to powers of the

Managing Director and also raised objection which were not in consonance with the objections mentioned in Rule 3-A (4)(5) (6). The objections raised

are related to preparation of votersâ?? list and the stage of preparation of votersâ?? list has yet not commenced. It is submitted that 24.03.2020

was the last date and on the same date, the State Government issued notification postponing the election of all cooperative societies. The said

notification was withdrawn on 30.06.2020 and therefore, the deponent decided the objections on 01.07.2020 and informed the petitioner by letter dated

01.07.2020. After deciding the objection, the final list of constituencies was declared on 02.07.2020. It is submitted that the deponent society has

published final list of delimitation under Rule 3-A(7) and not under Rule 3-A(9). The objection raised in Rule 3.9(B) is also same and as stated, if there

is any objection which is to be raised before the Collector, the same has to be raised before the Collector and that is to be decided by the Collector. It

appears that till date, the petitioner has not raised any objection before the Collector. The question raised in 3.9(C) is incorrect because the petitioner

has exercised powers under Rule 3(A) (1-7) only and not beyond that. It is submitted that the society is empowered under Rule 3-A (1-7) to prepare

the constituencies for the forthcoming election. Accordingly, the deponent society called for the information from the member societies and prepared a

provisional list of constituencies. The provisional list of constituencies was published in the notice board and the objections were invited. The petitioner

filed objections which have been decided by the deponent society. The objections which have been raised by the petitioner are misleading because the

objections have been filed raising objections against disqualified societies in the votersâ?? list. It is submitted that the stage of preparation of

votersâ?? list has yet not commenced and therefore, as and when the election Officer publishes votersâ?? list, the petitioner can raised objections

against such list. It is further submitted that the petitioner has raised objection that the deponent has finalized constituencies under Rule 3-A(9) which

is also incorrect because the deponent has finalised the constituencies under Rule 3-A(7) and the powers under Rule 3-A(9) if necessary can be

exercised by the Collector. Reliance is placed in the judgment in the case of Banaskantha District Co-operative Milk Producers Unio Limited v/s.

State of Gujarat, reported in 2012(2) GLR 1522, relevant paras are as under:-

â??10. By virtue of an amendment of the Act in the year 1981, Chapter XIA was introduced by the legislature containing provisions of section 145A

to 145Z. The said chapter deals with the elections of the committees and officers of certain societies. According to section 145B (b), ""election"" means

election of a member or members of the committee of a specified society and according to sub-section (c), ""specified society"" means a society

belonging to any of the categories specified in section 74C. Section 145Y confers powers upon the State Government, without prejudice to any other

power, to make rules consistent with this Act generally to provide for and to regulate all or any of the other matters relating to the various stages of

the elections (including preparation of the list of voters).

15 Therefore, before proceeding further, we must bear in mind that it is not a case of framing of rules without approval of the State Legislature and

even if there is any manner of deviation of rule making powers conferred under the Act, the State Legislature has taken no exception to such exercise

of power and has approved the same.

16 Bearing in mind the aforesaid principle, we now propose to summarize the law a Court is required to follow before scrutinizing whether any rule

framed under the provisions is ultravires the provisions of the Constitution.â??

[6] The Court has heard rival submissions of the parties and perused the documents placed on record. The respondent No.4-Union is a Specified

Cooperative Society registered under the provisions of the Gujarat Cooperative Societies Act, 1961. It has been registered on 18.12.1959 under the

Bombay Cooperative Societies Act, 1925. Thereafter, when the Gujarat Cooperative Societies Act, 1961 came into force, the society is governed

under the Gujarat Cooperative Societies Act, 1961. Its area of operation is old

Bharuch District. It is Milk Producing District Level Federal Society. It has about 400 Primary Cooperative Milk Producing Societies spread over the old Bharuch District. The Primary Cooperative Milk Producing Societies collect milk from its individual member and supply it to the petitioner society which, in turn, processes the milk and thereafter, sells it into open market in the brand name of 'Amul' which is State Level Milk Federation. Thereby, the petitioner society is engaged in marketing the milk and its products to fetch higher price for individual members of the primary level member cooperative society of the union. The petitioner society is managed by duly elected committee as provided under Section 74(C) of the Act. The bye-laws of the society are registered and are amended from time to time as and when there is amendment in the principal Act. Lastly, the bye-laws of the society have been amended in 2019. Therefore, the latest bye-laws came into force in 2019. Chapter XI of the Cooperative Societies provide for elections of the committees and officers of certain societies. The whole procedure of election is provided in Section 145(A) to 145(Z). Section 145(Y) empowers to make rules for purposes of this Chapter to the State Government. The State Government has framed the rules known as Gujarat Specified Cooperative Societies Election to Committee Rules, 1982. It provides for the procedure for holding of election. The present dispute pertains to Rule 3-A and therefore, relevant as Rule 3-A, the Rule 3-A is reproduced here-in-below:-

'3-A Delimitation of constituencies for purpose of election. -

(1) In every society where there are more than one constituencies, the Secretary or where there is no post of Secretary, the Chief Executive Officer

of every such society shall, in the year preceding the year in which election to the Committee is scheduled to be held, prepare a provisional list of the constituencies.

(2) Such list shall describe the limits of each constituency. A copy of the provisional list shall be displayed with a notice to be signed by the Secretary

or where there is no post of Secretary, the Chief Executive Officer of the society on the notice board of every office or sub-office of the society. A

copy of such provisional list along with the notice shall also be sent to the Registrar and to the Collector.

(3) A copy of such list along with notice shall also be sent to every member of

the society by registered post.

(4) The notice referred to in sub-rules (2) and (3) shall clearly lay down that any objections or suggestions in respect of the provisional list may be sent

by any person to the Secretary or where there is no post of Secretary to the Chief Executive Officer of the society within a period of 15 days from

the date on which the provisional list is displayed on the notice board of the office of the society.

(5) Any member of the society may bring to the notice of the society any omission or error in respect of the name or address or other particulars

shown in the provisional list.

(6) Any person raising any objection or making a suggestion shall send such objection or suggestion with grounds therefore in writing within 15 days

from the date on which the provisional list is displayed on the notice board of the office of the society.

(7) The society shall after considering every objection, suggestion or any error in the provisional list indicated by any member under sub-rule (5),

prepare the final list. The final list shall be displayed on the notice board of the office or sub- office of the society and a copy of such final list shall be

sent to the Registrar and also to the Collector.

(8) Where the area of operation of a society is in more than one village, the number of constituencies shall be equal to the total number of seats

excluding two seats reserved under sub-section (1) of Section 74-B.

(9) Notwithstanding anything contained in these rules and the bye-laws of the society, where the elections to the members of any committee are

scheduled to be held before the ending of the accounting year of the society, the delimitation of the constituencies shall be made by the Collector prior

to the publication of the list of voters.â??

[7] Bare reading of the aforesaid rules indicates that Rule 3-A of the Election Rules, 1982 provides that the Secretary or the Chief Executive Officer,

in this case, the Managing Director of respondent No.4-Union shall prepare provisional list of constituencies and therefore, the action of respondent

No.4-Union in preparing the provisions list of constituencies was very much within the authority of the respondent No.4-Union. Of course, as provided

under Sub-Rule (2), provisional list alongwith the notice have to be sent to the Registrar and to the Collector. Sub-Rule (3) of the Election Rules, 1982

provides for sending of such list to every member of the society. Sub-Rule (4) of the Election Rules, 1982 provides for category mentioned of the fact

that any objections or suggestions in respect of the provisional list may be sent by any person to the Secretary or the Chief Executive Officer, in this

case, the Managing Director within a period of 15 days from the date on which the provisional list is displayed. Sub Rule

(5) of the Election Rules, 1982 provides for any member to bring to the notice of the society any omission or error in respect of the name or address or

other particulars shown in the provisional list. Sub-Rule (5) has limited application as it circumscribed the aspect of any omission or error in respect of

name or address or other particulars shown in the provisional list. Sub-Rule (6) of the Election Rules, 1982 provides for any person raised an objection

or making suggestions to send such objections in writing within 15 days from the date on which the provisional list is displayed on the notice board of

the society and Sub- Rule (7) of the Election Rules, 1982 provides for preparing the final list after taking into consideration the every objections,

suggestions or any error in the provisional list indicated by any member under Sub-Rule (5). Sub-Rule

(7) also provides for forwarding the final list to the Registrar and also to the Collector. The aforementioned analysis of Sub-Rules do not provide for

any personal hearing or submitting response to the objections, suggestions, or error pointed out by any member on the part of the respondent No.4-

Union. Therefore, the contentions of learned advocate that the objections which were raised by the petitioner have not been answered despite his

representations on two occasions and reminder thereafter cannot be accepted. The decision at Annexure-A dated 01.07.2020 was only objection-wise

reply given by respondent No.4-Union to the petitioner and cannot be construed to be procedural hearing of the objections and independent answers to

such objections, as a requirement of this particular Rule 3-A of the Election Rules, 1982.

[8] Sub-Rule (9) of the Election Rules, 1982 provides for the power to the Collector to make delimitation of the constituencies which would be prior to

the publication of the list of voters. It is undisputed that the election program has been declared, wherein the provisional list of voters is to be published

on 01.08.2020. Any objections to the list of voters were to be furnished on 07.08.2020. The decision with regards to the objections on the provisional

list of voters was to be taken on 10.08.2020 and final list of voters was to be published on 11.08.2020. At this juncture, it is necessary to refer to the document which is produced today on record bearing reference No.Chatan/Dudhdhara Dairy/Vashi/1209/2020 dated 31.07.2020 which is issued by the office of Deputy Collector specifically for the purpose of complying with the Rule 3-A(9) of the Election Rules, 1982. This document clearly refers to the delimitation of constituencies and creation of 12 constituencies and any person who has objection to this was required to forward such objections or suggestions to the respondent-Deputy Collector. The said 12 constituencies are Ankleshwar, Aamod, Bharuch, Dediapada, Garudeshwar, Jambusar, Netrang, Nandod West, Nandod East, Sagbara, Vagra and Jhaghadia. In the opinion of this Court, the procedure adopted satisfies the requirement of Sub-Rule (9) of Rule 3-A of Election Rules, 1982.

[9] Over and above this, it would be necessary to refer to the documents produced by the petitioner alongwith petition at Annexure-B which is the public notice with regards to the election of respondent No.4-Union. Reference may also be made to page-23 of the petition which is also a public notice dated 09.03.2020. Alongwith this notice list of delimited seats 12 in number has also been published. Therefore, the Court finds that the respondent No.4-Union has acted in consonance with the Rule 3-A and Sub-Rules (1) to (7) of the Election Rules, 1982.

[9.1] Considering the aforesaid chronology, the election process would have progressed as per schedule, but for the extra ordinary situation arising out of Covid-19 Pandemic that the procedure was stalled for some time, but it will certainly not wash out the proceedings undertaken thus far. The respondents were therefore, justified to proceed further from the stage from where it was halted due to pandemic. The objections raised by the petitioner in his pleadings is with regards to the powers of the Managing Director in delimiting the constituencies under Rule 3-A of the Rules. The said objection is not tenable because Rule 3-A itself provides that the Secretary or the Chief Executive Officer shall prepare a provisional list of the constituencies and therefore, the contention is misleading. The second contention raised by the petitioner relates to the letter of the District Registrar dated 21.03.2014 and as the present election is being held in 2020, the said fact is not related to the present election. The deponent has forwarded the

proposal to the District Registrar on 03.07.2020 for further action. The third contention raised by the petitioner relates to the votersâ?? list and the

stage of preparation of votersâ?? list is to be carried out by the Election Officer and the Deputy Collector and not by the respondent No.4 and

therefore, the said objection can be raised by the petitioner before the Election Officer as and when the preliminary votersâ?? list is published. The

fourth objection raised by the petitioner is also incorrect because the petitioner is speaking about the last election and thereafter the bye-laws of the

deponent society have been amended in the year 2019 and the seats provided for the producer member society is 12 as per the bye- laws and

therefore, if the petitioner is aggrieved by the amendment in the said bye-laws, the petitioner has remedy to file appeal under Section 153 of the Act

and challenge the legality and validity of the amendment in the bye-laws. The fifth objection raised by the petitioner is with regard to alleged illegalities

in supply of milk which cannot be decided in objection under Rule 3-A and if there is any such grievance with regard to supply of milk, the complaints

can be made to the District Registrar and the State Registrar. So far no action is taken by the petitioner. Lastly it may be observed that nothing is on

record to indicate that the petitioner at any stage has raised any objections in writing before the Collector or his nominee. It is only the objections sent

by petitioner to Respondent on.4-Union which is replied to by the respondent No.4-Union. The Court has considered the submissions of learned

advocate for respondent No.4 that the petitioner later on did send the objection to the Collector and as the matter is heard, the petitioner is also before

the Collector, who is actually hearing the objections. Such aspect is not controverted by the petitioner.

[10] In view of the aforesaid reasonings, the Court finds no reason to interfere with the ongoing process.

[11] Over and above, now it is brought to the notice of the Court that the election program is declared and hence, the Court is not inclined to interfere.

Hence, also the petition deserves to be dismissed and the same is hereby dismissed.

[12] In view of the order passed in the main petition, the Civil Application does not survive. Hence, disposed of as not survived.

[13] Today when the judgment being pronounced, an additional affidavit is produced through registry which was filed by E-mail on 11.08.2020 at 3:16

p.m. The affidavit may be taken on record however, the document which is referred to in this affidavit has already been dealt with in para-3 of this judgment and therefore, no further order in this connection is required.