
(1986) 10 RAJ CK 0024

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2038 of 1986

Jhandawali Gram Sewa Sahakari Samiti Ltd.

APPELLANT

Vs

Election Officer and Another

RESPONDENT

Date of Decision : 30-10-1986

Acts Referred:

Rajasthan Co-operative Societies Rules, 1966 — Rule 32

Citation : (1986) WLN 494

Hon'ble Judges : A.K. Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Ashok Kumar Mathur, J.—This writ petition is directed against the voters list Ex. 17 and it has been prayed that the election officer may be directed not to conduct the election on the basis of the aforesaid voters list.

2. The petitioner is a a cooperative society registered under the Rajasthan Co-operative Societies Act, 1965 (hereinafter referred to as the Act) The election for the committee of the society was scheduled to be held on 22-9-1986. For properly conducting the election, the election officer prepared a voters list as required under Rule 32 of the Rajasthan Co-operative Societies Rules, 1966 (hereinafter referred to as "the Rules). The election officer invited objections to the voters list on 8-9-1986 and a notice was displayed on 8-9-1986. The petitioner society submitted its register of membership to respondent No. 1. The last member was enrolled in this register on 21-7-1986. After that on 17-9-1986 68 persons applied for the membership of the petitioner society and deposited necessary fee for the purpose. The petitioner society got the receipts of 67 persons It is alleged that dt. 8-9-1986 all these members were present and when the final voters list was prepared their names were not shown in the list. They protested and submitted objections to respondent No. 1. It is alleged that the respondent demanded some money for the inclusion but the same was not paid. Therefore, the names were not included. Thereafter an extra ordinary meeting

was called on 9-9-1986 and it was resolved that election should not be held on the basis of this illegal voters list. The petitioner society moved an application for supply of an authenticated copy of the list. But the election officer informed the petitioner society that it will be supplied on 10-9-1986. But that list was not supplied till 17-9-1986. In these circumstances, the petitioner society has approached this Court that the 68 persons who are members of the petitioner society have been deprived of their right to vote as their names were not included in the voters list.

3. A show cause notice was given to the respondents. The respondent No. 1 had filed a return and specifically denied the allegation that he has demanded Rs. 100/- for inclusion of the names of 68 persons. It has been submitted that no money was deposited by these 68 persons for becoming members of the society. It has also been submitted that the names of these persons were included in one day without showing their parentage and age of these members. It has been submitted that no formality as required u/s 19 of the Act was ever followed. No individual application was even moved by any of the members for being registered as a member of the society. No proceedings were drawn in this respect, It is only on 28-6-1986 that a resolution was passed that new members of the society may be added and thereafter no proceeding was taken. It has further been submitted that all the names were mentioned in the register in one day in the same hand writing. Most of the columns were lying blank and even the thumb impressions were not marked with names. Learned Counsel for the respondents produced before me the original register to show that how the names were entered surreptitiously without parentage, age or againsts one of the names, no thumb impression appears. Thus, it was submitted that the names of these 68 persons were not rightly included in the voters list.

4. I have heard both the learned Counsel. I do not find any merit in this writ petition. Mr. Sharma, learned Counsel for the petitioner submits that these 68 persons have been wrongly deprived their right of franchise. I gone through the reply and the facts disclosed in the return and the original register produced before me clearly shows that the election officer has rightly exercised his discretion and has found that 68 persons have not been rightly included in the voters list.

5. Since on merit I am satisfied that the election officer has rightly proceeded in the matter, therefore, I need not go to the second question that whether u/s 75(2)(c) of Rajasthan Cooperative Society Act the said dispute can be raised or not.

6. Thus, in the result, I do not find any merit in this writ petition and the same is dismissed.

7. The parties are left to bear their own costs.