

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

I.A.No.1 of 2026 in W.P.No.8514
I.A.No.1 of 2026 in W.P.No.8727
I.A.No.1 of 2026 in W.P.No.8728
I.A.Nos.1&2 in W.P.No.8745 of 2026
AND
I.A.No.1 of 2026 in W.P.No.8748
of 2026

Between:

M.N.Sastry & another

... Petitioners

And

The State of Telangana,
Department of Cooperation
& others

... Respondents

JUDGMENT PRONOUNCED ON: 02.04.2026

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

MRS. JUSTICE SUREPALLI NANDA

IN THE HIGH COURT OF TELANGANA AT HYDERABAD

I.A.No.1 of 2026 in W.P.No.8514
I.A.No.1 of 2026 in W.P.No.8727
I.A.No.1 of 2026 in W.P.No.8728
I.A.Nos.1 & 2 in W.P.No.8745 of 2026
AND
I.A.No.1 of 2026 in W.P.No.8748
of 2026

% 02.04.2026

Between:

M.N.Sastry & another

... Petitioners

And

\$ The State of Telangana,
Department of Cooperation
& others

... Respondents

< Gist:

> Head Note:

! Counsel for the Petitioners : Sri D.V.Seetharam Murthy, Sri Hariharan, Sri A. Venkatesh, Sri Vedula Srinivas, learned senior designated counsels

^ Counsel for Respondents : Smt. Mohana Reddy, learned Government Pleader for official respondents and Sri Hemendranath Reddy, learned senior designated counsel for 4th Respondent Society

? Cases Referred:

(Union Territory of Ladakh and others v. Jammu & Kashmir National Conference and another reported in 2023 Livelaw SC (749)& other case laws

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

I.A.No.1 of 2026 in W.P.No.8514
I.A.No.1 of 2026 in W.P.No.8727
I.A.No.1 of 2026 in W.P.No.8728
I.A.Nos.1&2 in W.P.No.8745 of 2026
AND
I.A.No.1 of 2026 in W.P.No.8748
of 2026

DATE: 02.04.2026

COMMON ORDER

Heard the learned senior designated counsel Sri D.V.Seetharam Murthy, learned Senior designated counsel Sri Hariharan and learned senior designated counsel A. Venkatesh appearing on behalf of the petitioners and learned Government Pleader Smt. Mohana Reddy, appearing on behalf of the official respondents and learned senior designated counsel Sri Hemendranath Reddy, appearing on behalf of Respondent Society in W.P.Nos.8514, 8727, 8728, 8745 and 8748 of 2026.

2. **The petitioners in W.P.No.8514 of 2026 approached this Court seeking main prayer as under:**

“to issue a Writ of Mandamus or any other appropriate writ order or direction declaring the order vide Rc. No. 1333/2026-HG1 dated 12.03.2026 issued by the 2nd Respondent in rejecting the objections submitted by Petitioners to the Provisional Eligible Voters List published on 09.02.2026 by the 4th Respondent Society for the ensuing elections 2026 as being illegal, arbitrary in gross violation of principals of Natural Justice, order dated 23.02.2026 contrary to the provisions of the Telangana Cooperative Societies Act, 1964; Rule 22(6)(d) of the Telangana Cooperative Society Rules 1964 and the Bylaws of the 4th Respondent Society and consequently to set aside the same and direct the Respondents to including the names of the Petitioners and other similarly situated members of the 4th Respondent Society and pass...”

The petitioners in W.P.No.8514 of 2026
approached this Court seeking interim relief as under:-

I.A. No.1 of 2026

“to stay all further proceedings pursuant to the impugned order including exhibition of election proposals and issuance of election notification for election of Managing Committee of the 4th Respondent Society and pass...”.

3. The petitioners in W.P.No.8727 of 2026
approached this Court seeking main prayer as under:

“to issue a Writ of Mandamus or any other appropriate writ order or direction declaring the order vide Rc. No.

1412/2026-HG1 dated 18.03.2026 issued by the 2nd Respondent in rejecting the objections submitted by Petitioners to the Provisional Eligible Voters List published on 09.02.2026 by the 4th Respondent Society for the ensuing elections 2026 and the consequential issuance of Election Notification by the 3rd Respondent vide proceedings Rc.No. 389/ HYD/ SCEA/2026 dated 18.03.2026 as being illegal, arbitrary in gross violation of principals of natural justice, order dated 23.02.2026, contrary to the provisions of the Telangana Cooperative Societies Act, 1964; Rule 22 (6) and (8A) of the Telangana Cooperative Society Rules, 1964 and the By-laws of the 4th Respondent Society and consequently to set aside the same and direct the Respondents to include the names of the Petitioners and other similarly situated members in the voters list of the 4th Respondent Society and pass..”.

The petitioners in W.P. No.8727 of 2026
approached this Court seeking interim relief as under:-

I.A. No.1 of 2026

“to stay all further proceedings pursuant to the impugned election notification for election of Managing Committee of the 4th Respondent Society and pass..”

4. The petitioners in W.P. No.8728 of 2026
approached this Court seeking main prayer as under:

“to issue a Writ of Mandamus or any other appropriate writ order or direction declaring the order vide Rc.

No.1411/2026-HG1 dated 18.03.2026 issued by the 2nd Respondent in rejecting the objections submitted by Petitioners to the Provisional Eligible Voters List published on 09.02.2026 by the 4th Respondent Society for the ensuing elections 2026 and the consequential issuance of Election Notification by the 3rd Respondent vide proceedings Rc.No. 389/ HYD/ SCEA/2026 dated 18.03.2026 as being illegal, arbitrary in gross violation of principals of natural justice, order dated 23.02.2026, contrary to the provisions of the Telangana Cooperative Societies Act, 1964; Rule 22 (6) and (8A) of the Telangana Cooperative Society Rules, 1964 and the Bylaws of the 4th Respondent Society and consequently to set aside the same and direct the Respondents to include the names of the Petitioners and other similarly situated members in the voters list of the 4th Respondent Society and pass...".

The petitioners in W.P. No.8728 of 2026
approached this Court seeking interim relief as under:-

I.A. No.1 of 2026

"to stay all further proceedings pursuant to the impugned election notification for election of Managing Committee of the 4th Respondent Society and pass..".

5. The petitioners in W.P.No.8745 of 2026
approached this Court seeking main prayer as under:

"to pass such an order or direction or writ more so in nature of Writ of Mandamus declaring:

(i) the action of Respondent No.2 in passing order dt. 18.03.2026 in RC.No.1943/2026-HG1 as illegal, arbitrary and unconstitutional and contrary to the order dt. 24.10.2024 in W.P. No. 29810 of 2024 and Order dt.18.03.2026 passed in CC. No.650 of 2026 and also violative of Principles of Natural Justice

(ii) the action of Respondent No.3 in issuing Election Notification dated 18.03.2026 vide RC. No.389/HYD/SCEA/2026 to conduct elections for the Managing Committee of the Respondent No.4 society as illegal, arbitrary and unconstitutional and contrary to the order dt. 24.10.2024 in W.P. No.29810 of 2024 and Order dt. 18.03.2026 passed in CC No.650 of 2026 and also violative of Principles of Natural Justice

(iii) and consequently set aside the Election Notification dated 18.03.2026 vide RC. No.389/HYD/SCEA/2026 issued by the Respondent No.3 to conduct elections for the Managing Committee of the Respondent No.4 society and further direct the Respondent Nos.2 and 3 to delete the names of 271 members from the voters list and issue fresh election notification

(iv) and pass ...".

The petitioners in W.P.No.8745 of 2026
approached this Court seeking interim relief as under:-

I.A. No.2 of 2026

"to stay all further proceedings arising out of the Election Notification dt.18.03.2026 vide RC.No.389/HYD/SCEA/2026 issued by the Respondent No.3

to conduct elections for constituting Managing Committee to the Respondent No.4 Society and pass...”.

I.A. No.1 of 2026

“to suspend the operation of order dt.18.03.2026 in C. No. 1943/2026-HG1 passed by the Respondent No.2 and pass...”.

6. The petitioners in W.P.No.8748 of 2026

approached this Court seeking main prayer as under:

“to issue a writ order or direction more particularly one in the nature of writ of mandamus or order declaring the orders in Rc. No. 1766/2026, 1767/2026, 1784/2026, 1941/2026, 1946/2026 dated 12.03.2026 and Rc.No.2386/2026-HG1 dated 18.03.2026 and consequential Election Notification issued by the 3rd Respondent vide proceedings Rc. No.389/HYD/SCEA/2026 dated 18.03.2026 as being illegal, arbitrary in gross violation of principals of natural justice, order dated 12.03.2026, contrary to the provisions of the Telangana Cooperative Societies Act, 1964; Rule 22 (6) and (8A) of the Telangana Cooperative Society Rules, 1964 and the Bylaws of the 4th Respondent Society and consequently to set aside the same and direct the Respondents to include the names of the Petitioners and other similarly situated members in the voters list of the 4th Respondent Society and pass...”

The petitioners in W.P.No.8748 of 2026

approached this Court seeking interim relief as under:-

I.A. No.1 of 2026

“pleased to stay all further proceedings pursuant to the impugned election notification for election of Managing Committee of the 4th Respondent Society and pass...”.

7. The case of the petitioners, in Writ Petition No.8514 of 2026 in brief, as per the averments made by the petitioners in the affidavit filed by the petitioners in support of Writ Petition No.8514 of 2026 is as under :-

The 4th Respondent Society conducted its previous elections on 21.03.2021 pursuant to the orders passed in W.P. Nos. 14099 and 22864 of 2020, dated 05.01.2021, wherein this Court set aside the earlier voters list and directed the preparation of a fresh list of eligible voters in accordance with law. Consequently, a voters list containing 4,960 members was finalized, and elections were conducted. As the term of the Managing Committee was due to expire on 21.03.2026, **the 4th Respondent published a provisional voters list on 09.02.2026 containing only 4,394 members. The names of the Petitioners and about 887 members, who had voted in the 2021 elections, were excluded allegedly on the ground of**

non-submission of KYC, without following the due process prescribed under Section 21 of the TCS Act, 1964 and Rule 20 of the TCS Rules, 1964.

Aggrieved thereby, the Petitioners attempted to file objections, which were not accepted. The petitioners thereafter approached the authorities and subsequently filed W.P. Nos. 5171 and 5194 of 2026. By order dated 23.02.2026, this Court permitted the Petitioners to submit representations to the 2nd Respondent and directed consideration of the same after affording an opportunity of hearing. Pursuant thereto, the Petitioners submitted representations dated 25.02.2026. The 2nd Respondent issued proceedings vide Rc. Nos. 1411/2026-HG1 and 1412/2026-HG1 dated 05.03.2026, fixing a personal hearing on 17.03.2026 at 11:30 A.M. However, the 2nd Respondent passed the impugned order vide Rc. No. 1333/2026-HG1 dated 12.03.2026, rejecting the Petitioners' objections without assigning any reasons. Aggrieved by the same, the Petitioners have approached this Court by filing the present writ petition.

8. The case of the petitioners, in W.P.No.8727 of 2026 in brief, as per the averments made by the petitioners in the affidavit filed by the petitioners in support of Writ Petition No.8727 of 2026 is as under:-

The 4th Respondent Society conducted its previous elections on 21.03.2021 pursuant to the orders passed in W.P. Nos. 14099 and 22864 of 2020, wherein this Court, by order dated 05.01.2021, directed the preparation of a fresh voters' list after inviting objections. Accordingly, a voters' list comprising 4,960 members was finalized and elections were conducted. As the term of the Managing Committee was due to expire on 21.03.2026, **the Society published a provisional voters' list on 09.02.2026 containing only 4,394 members, thereby excluding 887 members (including the petitioners) allegedly on the ground of non-submission of KYC.** Such exclusion is illegal, as no procedure prescribed under Section 21 of the Telangana Co-operative Societies Act, 1964 or Rule 20 was followed, nor were any notices issued or opportunities of hearing provided. Aggrieved thereby, the petitioners approached this Court in W.P. Nos. 5171 and 5194 of 2026, and by order dated

23.02.2026, this Court permitted them to submit representations to the 2nd Respondent. Accordingly, representations were submitted on 25.02.2026. Although notices for personal hearing were issued on 05.03.2026 fixing the date of hearing as 17.03.2026, the orders were pre-determined and passed on 12.03.2026 without affording any hearing to the petitioners.

Subsequently, the 2nd Respondent, by order dated 18.03.2026, rejected the objections on the ground of lack of jurisdiction and directed the petitioners to avail remedy under Section 76 of the Telangana Co-operative Societies Act, 1964. Immediately thereafter, on the very same day, the 3rd Respondent issued the Election Notification, bypassing the mandatory procedure prescribed under Rule 22(6) and Rule 22(8A). Aggrieved by the same, the petitioners have approached this Court by way of the present Writ Petition, challenging the order vide Rc. No. 1411/2026-HG1 dated 18.03.2026 passed by the 2nd Respondent rejecting their objections to the provisional eligible voters' list dated 09.02.2026, and the consequential Election Notification issued

by the 3rd Respondent vide Rc.No.389/HYD/SCEA/2026 dated 18.03.2026.

9. The case of the petitioners, in W.P.No.8728 of 2026, in brief as per the averments made by the petitioners in the affidavit filed by the petitioners in support of Writ Petition No.8728 of 2026 is as under:-

The petitioners are members of the 4th respondent society. On an earlier occasion, this Court, by order dated 05.01.2021 in W.P. Nos. 14099 & 22864 of 2020, set aside the provisional voters list and directed the preparation of a fresh voters list in accordance with law. Pursuant thereto, a revised voters list containing 4,960 members was prepared, and elections were conducted on 21.03.2021. As the term of the Managing Committee of the 4th Respondent society was to expire on 21.03.2026, **the 4th respondent published a provisional voters list on 09.02.2026 containing 4,394 members, excluding about 887 members, including the petitioners, on the ground of non-submission of KYC.** Aggrieved thereby, the petitioners attempted to file objections; however, the same were not accepted.

The petitioners thereafter approached this Court in W.P. Nos. 5171 & 5194 of 2026, wherein, by order dated 23.02.2026, liberty was granted to submit representations before the 2nd respondent (Registrar), who was directed to consider the same after affording an opportunity of hearing. Pursuant thereto, the petitioners submitted representation dated 25.02.2026. The 2nd respondent issued hearing notices fixing 17.03.2026; however, in certain cases, orders had already been passed earlier on 12.03.2026 without hearing the petitioners.

Subsequently, the 2nd respondent passed the impugned orders vide Rc. No. 1412/2026-HG1 dated 18.03.2026, rejecting the petitioners' objections on the ground of lack of jurisdiction. Immediately thereafter, the 3rd respondent issued the Election Notification vide Rc. No. 389/HYD/SCEA/2026 dated 18.03.2026, allegedly without following the mandatory procedure under Rule 22. Aggrieved by the same, the petitioners have approached this Court by filing the present writ petition.

10. The case of the petitioners, in W.P.No.8745 of 2026 in brief as per the averments made by the petitioners in the affidavit filed by the petitioners in support of Writ Petition No.8745 of 2026 is as under:-

The petitioners are long-standing members of the Jubilee Hills Co-operative Housing Society Ltd. (Respondent No.4). An enquiry under Section 51 of the Telangana Co-operative Societies Act, 1964 was initiated *vide Rc. No. 1169/2022-HG-1 dated 23.03.2022*, which revealed serious irregularities in membership admissions and land dealings. Subsequently, the Society issued a General Body Meeting (GBM) notice dated 15.02.2024 proposing the disqualification of certain members, and a resolution was passed on 24.03.2024 allegedly to remove over 800 members without due process. Aggrieved by illegal membership drives, including the "Phase-IV" project at Manchirevula, and the collection of non-refundable deposits, the petitioners submitted a representation dated 09.10.2024 seeking intervention. **As no action was taken, the petitioners approached this Court in W.P. No. 29810 of 2024,**

wherein an interim stay order dated 24.10.2024 was granted, restraining the admission of new members.

Despite the said stay, the Society included 271 new members in the voters' list, allegedly admitting them on 14.10.2024, though records indicate that payments were realized only after 24.10.2024. The

petitioners submitted further representations dated 09.02.2026, 06.03.2026, and 09.03.2026 seeking deletion of these members. Due to inaction, Contempt Case No. 650 of 2026 was filed, **wherein this Court, by order dated 18.03.2026, directed that no members admitted after 24.10.2024 be included in the election process.**

However, on the same day, Respondent No.2 passed an order vide *Rc.No. 1943/2026-HG1, dated 18.03.2026* and Respondent No.3 issued Election Notification vide *Rc. No.389/HYD/SCEA/2026, dated 18.03.2026*, including the disputed members which is in clear violation of the orders dated 24.10.2024 in W.P. No. 29810 of 2024 and 18.03.2026 in C.C. No. 650 of 2026, and is contrary to Rule 22 of the Telangana Co-operative Societies Rules, 1964, thereby

vitiating the entire election process. Hence, the petitioners have approached this Court by filing the present writ petition.

11. The case of the petitioners, in W.P.No.8748 of 2026 in brief as per the averments made by the petitioners in the affidavit filed by the petitioners in support of Writ Petition No.8748 of 2026 is as under:-

The petitioners are members of the 4th Respondent Society and were recognized voters in the previous Managing Committee elections held in 2021. As per the bye-laws, the tenure of the Managing Committee elected in 2021 was to expire in March 2026, necessitating the conduct of fresh elections. On 09.02.2026, the 4th Respondent Society published a provisional voters list for the ensuing elections, in which the names of the petitioners were omitted. Aggrieved thereby, similarly placed members had earlier approached this Court in W.P. Nos. 5171 and 5194 of 2026, challenging such exclusion. Meanwhile, the petitioners came to know that their omission was allegedly based on disqualification under Section 21(f) and (h) of the Act, though no individual orders of disqualification were ever passed or communicated to them. The petitioners attempted to submit objections to the

provisional voters list; however, the Society refused to receive the same.

Consequently, the petitioners approached the authorities and later filed W.P. No. 7417 of 2026, wherein this Court, by order dated 12.03.2026, directed the respondents to consider their objections and proceed in accordance with law. However, on the very

same day, the 2nd Respondent passed orders vide Rc. Nos. 1766/2026, 1767/2026, 1784/2026, 1941/2026, 1946/ 2026, and 2073/2026, all dated 12.03.2026, rejecting the petitioners' objections on the ground that they were not parties to W.P. Nos. 5171 and 5194 of 2026. These orders were later communicated through proceedings Rc. No. 2386/2026-HG1 dated 18.03.2026. Subsequently, the 3rd Respondent issued the Election Notification vide Rc. No. 389/ HYD/ SCEA/ 2026 dated 18.03.2026, allegedly without complying with the mandatory procedure under Rule 22 of the Rules, 1964. Aggrieved by the same, the petitioners have approached this Court by filing the present writ petition.

12. PERUSED THE RECORD:

(A) Few relevant provisions are extracted

hereunder:

Proviso to Section 19 (1)(c) of TCS Act, 1964 dealing with Eligibility for Membership, is extracted hereunder:

[Provided also that a society shall admit an individual or a society referred to in clauses (a) and (b) above as a member, subject to the condition that the society is in a position to extend its services to such individual or society:]

Section 21 of TCS Act, 1964 dealing with Disqualification for membership of society, is extracted hereunder:

Section 21(1) A person shall be disqualified for being admitted as, and for being a member, if he –

(a) is an applicant to be adjudicated an insolvent or is an of society insolvent; or 81[(aa) is not eligible for membership under section 19;]

(b) has been sentenced for any offence involving moral turpitude, such sentence not having been reversed and a period of three years has not elapsed from the date of the expiration of the sentence; or

(c) is a paid employee of the society or of its financing bank or of any society for which it is the financing bank; or

(d) has been expelled from membership under this Act and a period of one year has not elapsed from the date of such expulsion;

(e) is carrying on business of such kind as the Registrar may, by general or special order, declare to be a business which is in conflict with the objects or interests of the society;

(f) as such member fails to transact such minimum business or utilise minimum services or facilities in a year as may be specified in the bye-laws; or in respect of Housing societies if the member sold out the plot allotted to him/her; or

(g) fails to attend two consecutive annual general body meetings without leave of absence; or

(h) fails to give information relevant to him to the society as specified in the bye-laws;

(i) is/was a director or member of the Managing Committee of the society which fails to handover all the records of the society to the successor Managing Committee.]

(2) The provisions of clause (b) of sub-section (1) shall not apply to a person seeking admission to, or to a member of, a society exclusively formed for the reclamation of such class of persons 86[as may, from time to time, be notified by the Government in the Telangana Gazette.]

The provisions of clause (c) of sub-section (1) shall not apply to a person seeking admission to, or to a member of-

(i) a society which has as its principal object the provision of employment to its members; or

(ii) such other society as may be prescribed.

(3) where any person, who is not eligible for being admitted as member has been admitted as member or where the member who is disqualified to continue as such under sub-section (1) is continued as member, he shall be removed by the General body on its own motion or on a representation made to it by any member of a society or its federal society or its financing bank:

Provided that no member shall be removed under this sub-section unless he had an opportunity of making a representation against the proposed action. A copy of the resolution removing the member shall be communicated to such person and on such communication, he shall

be deemed to have ceased to be a member of the society.

Section 31-A (1) of TCS Act, 1964 dealing with Powers and functions of the committee, is extracted hereunder

[31-A. The committee of a society shall, subject to the provisions of the Act, rules, bye-laws and resolutions of the General body, exercise the following powers and functions, namely:-

(1) admit the members to General Body;

Section 76 of TCS Act, 1964 dealing with Appeal, is extracted hereunder:

[76. (1) Any person or society aggrieved by any decision passed or order made under section 6, section 9A, section 9B, section 9C, section 12A, section 13, 243[xxx], section 16, section 17, section 19, section 21, section 21A, section 21AA, section 23, sub-section (3) of section 32, section 34, section 34A, section 60, section 62, section 64, section 66, section 70, section 71, section 73 and section 117 may appeal to the Tribunal: Provided that nothing in this sub-section shall apply to any order or withdrawal or transfer of a dispute under subsection (3) of section 62.

(2) On a reference made by the Registrar of Cooperative Societies, the Tribunal shall call for and examine the records of any proceeding which is appealable to it for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and where it appears to the Tribunal that any

such decision or order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem fit.

(3) Any appeal under sub-section (1) shall, subject to the other provisions of this Act, be preferred within sixty days from the date of communication to the appellant of the decision, refusal or order complained of but the Tribunal may admit an appeal preferred after the said period of sixty days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within the said period.

(4) In disposing of an appeal under this section, the Tribunal may, after giving the parties an opportunity of making their representations, pass such order thereon as it may deem fit.

(5) The decision or order of the Tribunal on appeal shall be final.

(6) The Tribunal may pass such interim orders pending the decision on the appeal as may deem fit.

(7) The Tribunal may award costs in any proceedings before that authority to be paid either out of the funds of the society or by such party to the appeal as the Tribunal may deem fit.]

Rule 20 of the TCS Rules, 1964 dealing with Removal of a member of a society who is disqualified is extracted hereunder:

20(1) if any person, who is admitted as a member of a society becomes disqualified under Section 21 to continue as such, the Registrar may, on his own motion or on a representation made to him by any member of the society or its financing bank by an order in writing, declare that he shall cease to be a member of the society from the date of such disqualification.

(2) Before passing an order under sub-rule (1) the Registrar shall give such person an opportunity to state his objection, if any, for the proposed action and if the person wishes to be heard, he shall be given opportunity to be heard. The Registrar's decision shall be final and binding on the society and it shall not be questioned in any court.

It is pertinent to bring on record here that A.P. Co-operative Societies (Second Amendment) Act, 2001 (Act No.22 of 2001) was passed making certain amendments to the provisions of the Act including the amendments to Section 21. Sub Section (3) of Section 21 of the Act was substituted as follows:

(3) where any person, who is not eligible for being admitted as member has been admitted as member or where the member who is disqualified to continue as such under sub-section (1) is continued as member, he shall be removed by the General body on its own motion or on a representation made to it by any member of a society or its federal society or its financing bank:

Provided that no member shall be removed under this sub-section unless he had an

opportunity of making a representation against the proposed action. A copy of the resolution removing the member shall be communicated to such person and on such communication, he shall be deemed to have ceased to be a member of the society.

Thus the amended sub section (3) removes the power of the Registrar and that of the Committee of the Society and the entire power was vested with the general body of the society. But unfortunately, no suitable amendment was made to Rule 20 of the A.P. Co-operative Societies Rules, 1964 as a result, it continued to be in the statute book without any sanction of the provisions of the Act.

This Court however opines that a Rule cannot travel beyond the scope of the provisions of the Act, nor can it be contrary to the provisions of the Act.

Rule 22 of the TCS Rules, 1964 dealing with Conduct of Elections to the Co-operative Societies, is extracted hereunder :—

22. Notwithstanding anything contained in the bye-law of the societies election to the committee /Board and representative General Body of all classes of societies registered under the Telangana Cooperative Societies Act 1964, shall be conducted in the manner laid down in this rule.

.....

22(6) **Voters List** : (a) The incumbent Managing Committee / Person In-charge Committee / Official Administrator(s)/Adhoc Committee of the society shall prepare and publish the list of members eligible to vote on the notice board of the society. It shall indicate the

Sl. No., Admission Number/ General Number, Date of Admission, Name of member, Father's Name, Village / Locality, Age, Community. Sex (Male/Female) along with the pass port size photo of the member voter. Provided that in respect of Primary Agricultural Cooperative Credit Societies, Large Sized Cooperative Societies, Farmers Service Cooperative Societies and Cooperative Rural Banks, the list shall be prepared Revenue Village wise and territorial Constituency wise as indicated in Rule 22-A(3)(i)]

(b) The incumbent Managing Committee / Person In-charge Committee / Official Administrator(s)/Adhoc Committee of the society of the society shall invite the claims or objections from the members.

(c) The incumbent Managing Committee / Person In-charge Committee / Official Administrator(s)/Adhoc Committee of the society shall communicate the list of members eligible to vote to the Registrar for verification and approval.

(d) Registrar after due verification and duly calling for the objections shall certify the eligible voters list after necessary corrections so that it con- R. 22] Telangana Co-operative Societies Rules, 1964 139 firms to the provisions of the Act, Rules and Government directions issued if any in this regard.

(e) The incumbent Managing Committee / Person In-charge Committee / Official

Administrator(s)/Adhoc Committee of the society shall submit eligible voters list of the society duly approved and certified by the Registrar along with the proposals specified in sub-rule (1) to the State Cooperative Election Authority.

22(7) Election Expenses

(a) Every society shall bear the total expenses for conducting of elections. Election expenses shall be calculated by the State Cooperative Election Authority based on the strength of the eligible voters, spread of the area of the operation of the society and number of election personnel to be deployed and logistics required. The State Cooperative Election Authority may issue guidelines in this regard from time to time.

(b) Upon receipt of proposals for conduct of elections under sub-rule (1), the State Cooperative Election Authority shall within (3) working days issue demand to the society for deposition of amount towards election expenses.

(c) Amount towards Election expenses shall be deposited by the societies within 3 working days of issue of demand by the State Cooperative Election Authority.

22(8A) Issue of Election Notification and Appointment of Election Officer:

(i) The State Cooperative Election Authority after scrutiny of election proposals submitted under sub-rule (1) and after receipt of deposit towards election expenses from the society shall approach the Registrar/any Government Department / Local Body/ Corporation for deployment of staff for conduct of elections.

(ii) The Registrar/ Government department / Local body/Corporation, based on the request of the State Cooperative Election Authority shall forward the details of the

Officers and Staff to be deployed for conduct of election to the State Cooperative Election Authority.

(iii) The State Cooperative Election Authority shall issue Election notification while appointing Election officer and supporting staff for conduct of election.

(vi) The State Cooperative Election Authority shall issue Election notification while appointing the Election Officer along with supporting staff for each society.

(B) The relevant portion of the Order of this Court dated 24.10.2024 passed in W.P.No.29810 of 2024, is extracted hereunder:

"...Having regard to the above submissions, this Court finds that the allegations of the petitioner about the admission of new members into the Society and the proposal to enter into an agreement for the proposed new project "Jubilee Hills - Phase IV" at Manchirevula Village is in contravention of the bye-laws of the Society and also in contravention of the objective of the Society itself, have not been addressed by the Registrar of Co-operative Societies, i.e., the 2nd respondent herein. Though the representation dt.24.09.2024 is not from the petitioner herein, on perusal of the same, this Court finds that the contentions in the representation are with regard to the very same objections also raised by the petitioner herein. Therefore, it appears to be a common allegation by the said members and the petitioner herein. In such circumstances, the Registrar of Cooperative Societies ought to have taken action and the **inaction on the part of the 2nd respondent on the representations dt.24.09.2024 and dt.09.10.2024 (received on**

15.10.2024) may encourage the 3rd respondent to proceed with the above alleged illegal activities. Therefore, this Court grants stay of all further proceedings, such as admission of new members into the Society by the 3rd respondent and the 3rd respondent is further directed not to take any steps to enter into an agreement in respect of the Jubilee Hills - Phase IV project at Manchirevula Village, Gandipet without following the due procedure contemplated under the Society's bye-laws and the Cooperative Societies; Act 1964, till further orders."

(C) The order of this Court dated 18.03.2026 passed in C.C.No.650 of 2026, is extracted hereunder:

"On 06.03.2026, this matter was directed to be listed on 20.03.2026. However, yesterday i.e., on 17.03.2026, learned counsel for the petitioner has made a mention that there is a grave urgency in the matter and that the respondents are likely to proceed with the issuance of Election Notification with newly admitted members i.e., the members admitted after interim order of this Court has been passed, which is in violation of the orders of this Court. It was also submitted that 20.03.2026 may be declared as a holiday on account of Ramzan and grave injustice would be caused to the petitioner, if the matter is not listed today i.e., 18.03.2026.

Learned counsel appearing for the 2nd respondent submitted that he was not informed about the listing of the matter today and he is not prepared with the counter today. He seeks time to file counter.

Learned Government Pleader for Cooperation also seeks time to get instructions in the matter.

Learned counsel for the petitioner expresses apprehension that Registrar of Cooperative Societies may approve the final voters list containing the names of newly admitted members and Election Notification may be given with the newly admitted voters in violation of the orders of this Court.

Both the counsel have relied upon various case law in support of their contentions.

In order to uphold the majesty of the order of this Court i.e., not to admit any new members as on and after the date of the order; and to see that the order is complied with in toto, this Court directs that Election Notification for election to Managing Committee of the subject society shall not be given with the voters list containing the names of any of the members admitted after the order of this Court i.e., after 24.10.2024 and whose membership fee is received after the order of this Court.

List on 24.03.2026.”

(D) This Court on 18.03.2026 passed interim orders in W.P.No.8514 of 2026 observing as under:

Heard Sri A.Venkatesh, learned Senior Designated Counsel representing Sri Mamidi Avinash Reddy, learned counsel appearing on behalf of the petitioners on record and Sri Hemendranath Reddy, learned Senior

Designated Counsel appearing on behalf of the respondent No.4.

List on 23.03.2026.

The issuance of any election notification during this period for the election of Managing Committee of Respondent No.4 Society shall be subject to the final outcome of the present writ petition.

(E) The relevant portion of the Minutes of General Body Meeting held on 24.03.2024, which had been filed as material document at page No.74 of the papers filed by the petitioners in W.P.No.8514 of 2026 in support of their case, is extracted hereunder:

1. The society has been maintaining the records pertaining to members who failed to transact minimum business or utilize minimum services or facilities in a year in accordance with the bye-laws.

2. The society is maintaining the records of all the members who fail to give information relevant to him/her to the society as prescribed in the bye-laws.

3. The Society has placed the subject issue before the Managing Committee. In turn Managing Committee has decided to follow the procedure contemplated under law and place the record before the General Body. The society issued letters to all the concerned members who are likely to incur disqualification calling

upon them to submit explanation to the General Body is being held on 24.03.2024 at 11:00 AM.

4. The Disqualification of the members on different grounds is the subject matter of the agenda for the General Body Meeting is being held on 24.03.2024 at 11:00 AM and it was communicated to the members for information and necessary action.

5. On receipt of show-cause notices and disqualification, society received reply/explanation/intimation/show-cause from few of the members, most of the notices are returned unserved on several grounds.

Mr.Venkateswarloo. K, MS No.5255 asked for two more months' time to submit the KYM/KYC by the members who have not yet submitted.

Mr.G.S.N.V.Anjaneya Babu, MS No.4280 asked for two weeks' time is sufficient not beyond that. Due to this Phase-IV developments will get delayed.

Majority of the members are agreed for giving two more weeks' time to submit the KYM/KYCs later managing committee is authorized to send the final list to Commissioner for Cooperation for disqualification of membership from the Jubilee Hills Co-operative House Building society.

Many of the members have requested to for some more time to submit their Information to the society due to most of the members are not in station.

Resolution: In the light of the above facts and circumstances and request of the members, as no member came forward to show cause before the general body for disqualification, as sufficient time was granted, the society will follow the procedure contemplated under the bye-laws, Rules, and the provisions of the TSCS Act after waiting for two weeks and the Society will send the final list of members to the registrar, Cooperation, after completing the procedure for disqualification of membership from the Jubilee Hills Co-operative House Building society.

...

As per the General Body resolution 887 Society members have incurred disqualification and the membership of these 887 society members were removed from society members list.

DISCUSSION AND CONCLUSION:

DISCUSSION :

13. This Court heard the present batch of the five writ petitions in spells last week and again on 30.03.2026 for grant of interim relief as prayed for by the petitioners in the I.As., filed in the respective writ petitions, the submissions put forth by all the learned senior designated counsel on record Sri Hariharan, Sri D.V. Seetharam Murthy and Sri A. Venkatesh, in brief in

so far as Writ Petition Nos.8514, 8727, 8728, 8748 of 2026 are as follows:

(i) The action of the 2nd Respondent in issuing impugned order dated 18.03.2026 and the action of 3rd Respondent in issuing election notification dated 18.03.2026 without following and bypassing all the other procedural aspects under Rule 22(6), 22(7) and 22(8A) of the Telangana Cooperative Societies Rules, 1964, indicates pre-determined decision and lack of independent application of mind, which is in utter violation of the statutory duties cast upon the Authorities.

(ii) The provisional voters list was uploaded on 09.02.2026 and immediately thereupon the Petitioners filed their objections on 09.02.2026 and 14.02.2026. **As no action was taken, the petitioners filed W.P.No.5171 and 5194 of 2026 and Hon'ble Court by order dated 23.03.2026 directed the 2nd respondent i.e., Registrar to consider inclusion of the names of the petitioners in the voters list after affording an opportunity of personal hearing as required under Rule 22(6)(d).**

(iii) The petitioners were called for personal hearing on 17.03.2026, but however in respect of two petitioners herein, when they attended the personal hearing on 17.03.2026, they were informed that orders were already passed in respect of them on 12.03.2026 and the same is displayed/put up on the Notice Board, which shows the entire exercise is tainted with malafides and the Respondents acted in a highhanded and arbitrary manner to see that the petitioners are not included in the voters list.

(iv) Pursuant to final hearing, impugned orders dated 18.03.2026 were passed rejecting the request of the petitioners. Though, this Hon'ble Court by order dated 23.02.2026 directed the 2nd Respondent to consider the request of the petitioners for inclusion of their names, however the Registrar without any such consideration has mechanically rejected the same vide orders dated 18.03.2026 stating it does not have power to include the names in the voter list. A perusal of the impugned orders reveals that there was no consideration or application of mind by the 2nd respondent who had proceeded with a predetermined approach, despite the directions given by this Hon'ble Court

and as such the same is in **gross disregard of the directions of this Hon'ble Court and is in breach of law, while also failing to perform statutory duty cast on the Registrar under Rule 22(6)(d).**

(v) In view of the fact that petitioners in W.P.No.8514 of 2026 received interim protection (referred to and extracted above), this Court needs to necessarily adjudicate on merits notwithstanding the issuance of Election Notification, since once the rights of the parties are protected by way of interim direction observing that any action will be subject to outcome of the writ petition the issue needs to be adjudicated on merits notwithstanding any subsequent action.

(vi) The constitutional bar to interference by Courts in electoral matters either under Article 329 or Article 243 applies only for the general elections are the local bodies but does not apply to the Cooperative Societies as the Societies are the creatures of our Statute and the Constitution does not protect any such interests of the said societies.

The petitioners placed reliance on paras '10' to '20' of the Judgment reported in 1991 SCC Online, Karnataka 423 in "L.RAMAKRISHNAPPA v. PRESIDING

OFFICER", and also paras '9' and '10' of the Judgment reported in 2007 Vol.4 ALD, Page 328 in "TADEM SATISH v. DISTRICT COLLECTOR".

(vii) The Judgments relied upon by the 4th Respondent do not apply to the batch of the present writ petitions on two counts. FIRSTLY the said Judgments referred to Writ Petitions filed and instituted after release of the Election Notification whereas in the present case this Court is seized of the matter and had passed directions immediately upon publication of provisional voters list. SECONDLY most of the Judgments relied upon by the 4th respondent are either of a Bench of Two Judges or of the Single or Division Bench of the High Court, whereas petitioners placed reliance on para '32' of Three Judge Bench Judgment of the Apex Court reported in 2000 Vol.8 SCC 216 wherein the Hon'ble Apex Court observed very clearly that a Writ Petition under Article 226 of the Constitution of India is maintainable and the action or decisions of the Election Authority are open for judicial review notwithstanding Article 329 of the Constitution, if such Authorities act, in arbitrary or malafide exercise of power or in breach of law.

(viii) Disqualification for failure to submit KYM/KYC is not contemplated either under the Telangana Co-operative Societies Act or under the By-laws of the Society and infact no resolution was passed as required under Section 21 of the Act, 1964 and therefore, the proposed action for failure to submit KYM/KYC or the alleged removal was not communicated to the petitioners and no opportunity of hearing was provided to the petitioners. Admittedly as borne on record the procedure under proviso to Section 21(3) of the Act, 1964 was not followed and as such, the petitioners and others continued to be the members of the Society and as such, the petitioners ought to have been included in the voters list, since the petitioners had not been issued any notices calling upon the petitioners to submit KYC and the petitioners were also not communicated of the order of the alleged removal or alleged disqualification nor the petitioners were provided with an opportunity to make a representation and therefore, an un-communicated

order can neither create any rights in favour of a party nor take away the rights of an affected party.

In support of the said contention petitioners placed reliance on the following judgments:

(i) Para 10 of the Judgment reported in AIR 1963 Supreme Court 395 in "BACHHITTAR SINGH v. STATE OF PUNJAB",

(ii) Para 11 of the Judgment reported in AIR 1966 SC 131 State of "PUNJAB v. AMAR SINGH HARIKA",

(iii) Paras 30 and 40 of the Judgment reported in 2012 Vol.6 SCC 384 in "BIPROMASZ BIPRON TRADING SA v. BHARAT ELECTRONICS LIMITED",

(iv) Para 13 of the Judgment reported in 1992 Supplement (1) SCC, 471 in "CCE v. M.M. RUBBER & COMPANY".

(ix) The respondents failed to follow the procedure laid down under Section 21 of the Co-operative Societies Act, 1964 and arbitrarily 887 members had been disqualified unilaterally, irrationally.

(x) There is clear violation of Rule 22 (6), since in the present case immediately upon passing the impugned orders rejecting/disposing objections under Rule 22(6)(d) none of the procedure as contemplated under the relevant rules had been

followed and directly election notification is issued under Rule 22 (8A) on the very same day without following due procedure and bypassing the mandatory procedural aspects.

(xi) The Election Notification is silent about the supporting staff for conduct of Elections as mandated under Rule 22 (8A) (iii) and (vi).

(xii) A clear admission on the part of the 2nd respondent even as per the submissions made by the learned Government Pleader to the Court upon instructions furnished by the Special Commissioner and Registrar that Section 22 (7) was not followed shows the infraction on part of the respondents and arbitrary, malafide exercise of power in hastily issuing the Election Notification.

(xiii) The present incumbent President of the 4th Respondent Society having earlier approached this Court by filing W.P.Nos.14099 and 22864 of 2020 and obtained a favourable order for revision of voters list for inclusion of names of disqualified members now cannot turn around and reject the request of the

petitioners for inclusion and the same is a malafide and arbitrary exercise of power.

(xiv) It is settled position of law that no party can be allowed to accept and reject the same thing and thus cannot blow hot and cold. A person cannot say at one time that a transaction is valid and thereby obtain some advantage, to which he could only be entitled on the footing that it is valid and then turn around and say it is void for the purpose of securing some other advantage. In support of this plea petitioners placed reliance on para 26 of the Judgment reported in 2022 Vol.2 SCC 25 passed in "UNION OF INDIA v. N.MURUGESAN".

(xv) The petitioners are discriminated since the 4th Respondent Society restored 40 similarly situated persons like the petitioners herein and one member in March 2026 but curiously however, petitioners had been denied their legitimate right for inclusion of their names in the voters list, thereby depriving the petitioners their fundamental right not only to vote but also to contest.

Based on the aforesaid submissions, the learned senior designated counsel appearing on behalf of the petitioners in W.P.Nos.8514, 8727, 8728, 8748 of 2026 prayed for grant of interim relief as prayed for in the writ petition.

14. Heard the learned senior designated counsel Sri Vedula Srinivas, appearing on behalf of the petitioners in W.P.No.8745 of 2026 and he puts forth the following submissions:

(i) On 09.10.2024 a representation had been submitted to the Registrar Co-operative Societies, State of Telangana, Hyderabad highlighting irregularities in the admission of 271 new members linked to Jubilee Hills Phase-IV, Manchirevula Project.

(ii) On 24.10.2024 Hon'ble High Court granted interim stay in W.P.No.29810 of 2024 staying all new memberships and also granted stay on the Jubilee Hills Phase-IV, Manchirevula Project.

(iii) The SBI State Bank Statements dated 28.10.2024, 30.10.2024, 08.11.2024, 09.01.2025 filed

as material documents in support of petitioners' case, confirm and indicate that the membership fees i.e., Minimum Share Capital of Rs.300/- for the contested 271 members were only realized and processed after the interim stay granted by this Court in W.P.No.29810 of 2024 dated 24.10.2024.

(iv) On 09.02.2026 the 4th respondent society headed by the President published provisional voters list containing 4394 members as the term of the incumbent management is to expire.

(v) On 09.02.2026 a detailed representation is submitted by the petitioners to the Registrar pointing out the clear violation of the interim orders of this Court dated 24.10.2024 passed in W.P.No.29810 of 2024.

(vi) On 06.03.2026 written objections had been filed by the petitioners demanding the deletion of 271 illegal members and the inclusion of 887 wrongfully excluded voters and also a detailed representation had been submitted by the petitioners as a reminder on 09.03.2026 to the Commissioner for Co-operation and Registrar explaining the flagrant

violation of the orders of this Court dated 24.10.2024 passed in W.P.No.29810 of 2024.

(vii) On 18.03.2026 the 2nd respondent passed the impugned Order in clear violation of the orders of this Court dated 24.10.2024 passed in W.P.No.29810 of 2024 and the orders dated 18.03.2026 passed in C.C.No.650 of 2026 and hence the impugned order dated 18.03.2026 issued by the 2nd respondent, refusing to exercise jurisdiction to correct the voters list and the impugned Election Notification dated 18.03.2026 issued by the 3rd respondent need to be set aside.

(viii) The petitioners in W.P.No.8745 of 2026 are entitled for grant of relief as prayed for, since when the matter is subjudice before the Court in W.P.No.29810 of 2024, whereunder the very inclusion of 271 members to the voters list is under challenge, the respondent No.2 and 3 proceeded and passed the impugned order and issued the Election Notification hastily and the same requires judicial inspection and review.

(ix) The Respondent No.2 failed to discharge his mandatory statutory duty under Rule 22(6)(d) of the Telangana Co-operative Societies Rules.

(x) The Respondent Society failed to uphold the Majesty of Judicial Orders of the High Court.

(xi) The Registrar failed to discharge his mandatory duty under Rule 22(6)(d) and Rule 22(6)(c), since the scheme of Rule 22(6) is intended for a substantive adjudication of objections to ensure a pure electoral process.

(xii) By including members prohibited by the interim order dated 24.10.2024 in W.P.No.29810 of 2024 and the specific directions in Contempt Case No.650 of 2026 the Registrar certified an electoral roll that is in direct contravention of the orders passed by this Court in W.P.No.29810 of 2024 dated 24.10.2024 and the orders dated 18.03.2026 in C.C.No.650 of 2026.

(xiii) The respondent No.2 issued impugned Order on 18.03.2026 selectively addressing only four individuals while ignoring the systematic illegality of the remaining 267 members. This selective approach

violates the spirit of “due verification” contemplated under Rule 22 (6)(d) rendering the final certified voters list legally invalid.

(xiv) The mandatory procedure under 22(7) of the TCS Rules, 1964 had not been followed by the respondents herein, as such the entire election process is procedurally defective.

(xv) The action of the 2nd respondent in issuing impugned order dated 18.03.2026 and the action of the 3rd respondent in issuing Election Notification dated 18.03.2026 without following due procedure bypassing all other procedural aspects under Rule 22(6), 22(7) and 22(8A) of the Telangana Co-operative Societies Act, 1964 indicates predetermined decision and lack of independent application of mind which is an utter violation of Rule 22 (8A) requiring independent satisfactory action by the respondent No.3.

(xvi) The Bank statements of the Respondent Society show that the payment/deposit of Minimum Share Capital was received by the bank only after 24.10.2024. But a plea is taken that the process of registration of new voters i.e., identification, remittance of Minimum Share Capital in respect of 271 voters had been completed as on the date of AGM

dated 14.10.2024. Further, all the AGM concerning the Respondent Society have been in proper printable format but whereas, the AGM dated 14.10.2024 relied by the Respondent Society is an ante-dated handwritten document created only to circumvent the statutory procedure under TCS Act and order dated 24.10.2024 in W.P.No.29810 of 2024 and order dated 18.03.2026 in C.C.No.560 of 2026.

(xvii) The Respondent Society has the incapacity to extend its services as mentioned in Section 19 of TCS Act, 1964 since under Section 19 of the TCS Act, 1964 a Society can only admit members if it is in a position to extend its services. The Respondent Society has only 3,035 approved plots but has already 4,964 members. Admitting 271 additional members when the Society is already not in a position to serve existing members is in direct violation of Section 19 of TCS Act, 1964.

Based on the aforesaid submissions the learned senior counsel appearing on behalf of the petitioners in W.P.No.8745 of 2026 contends that the petitioners are entitled for the grant of interim relief as prayed for in the present writ petition.

15. The learned senior designated counsel Sri Hemendranath Reddy appearing on behalf of the Jubilee Hills Co-operative House Building Society Limited, Jubilee Hills, Hyderabad in W.P.No.8745 of 2026 puts forth the following submissions:

a) The W.P.No.8745 of 2026 challenges inclusion of 271 members in the voters' list pursuant to the Managing Committee resolution dated 14.10.2024 and consequential election notification dated 18.03.2026. None of the said members were impleaded, though identifiable from records including CC No. 650 of 2026. Their non-impleadment deprives them of hearing and renders the writ proceedings violative of principles of natural justice.

b) At least some members ought to have been impleaded in a representative capacity. The petitioners' deliberate omission results in adjudication behind the back of affected parties. The Apex Court and various other Courts have consistently held that no adverse order affecting rights of persons can be passed without affording them opportunity of hearing, making the present writ petition procedurally unsustainable.

c) The issue involves disputed questions relating to admission and inclusion of members in voters' list, requiring examination of records and evidence. Such matters are not amenable to writ jurisdiction under Article 226, particularly when election process has commenced. The proper course is to avail statutory remedies rather than invoking writ jurisdiction at an intermediate stage.

d) The Managing Committee, under resolution dated 14.10.2024, admitted 271 members after receipt of applications and fees. Out of these, 270 memberships had been issued prior to 24.10.2024. One membership was not issued due to dishonour of cheque. Thus, all valid admissions had been completed before the interim order passed by this Court on 24.10.2024 in WP No. 29810 of 2024.

e) This Court by order dated 24.10.2024 in WP No. 29810 of 2024 passed an ex parte order staying the future admissions into the Society. No admissions had been made thereafter into the Respondent Society. The voters' list filed by petitioners themselves in CC No. 650 of 2026 establishes that all 270 members had been admitted prior to the said

order dated 24.10.2024 in WP No. 29810 of 2024, negating allegations of violation.

f) Section 25(1-A)(c) of the TCS Act, 1964 confers voting rights on members completing one year of continuous membership. As the said 270 members were admitted prior to 24.10.2024, they have completed one year and are statutorily entitled to vote in the ensuing elections scheduled on 05.04.2026.

g) The order dated 18.03.2026 in CC No. 650 of 2026 only restrained inclusion of members admitted after 24.10.2024 or whose fees were received thereafter. All 270 members satisfy both conditions, as their payments were made prior to the said date through demand drafts and cheques, though credited later due to banking timelines.

h) The order impugned of the respondent society, vide *Rc. No. 1943/2026-HG1 dated 18.03.2026*, is lawful, as disputes regarding membership fall within jurisdiction of Cooperative Tribunal under Section 76 of the TCS Act, 1964. The Registrar cannot adjudicate upon such disputes in summary proceedings under Rule 22(6)(d)Rule 22 of the TCS Rules, 1964, especially in absence of affected members.

i) The petitioners have an efficacious alternative remedy to challenge membership by filing appeal before the Cooperative Tribunal by impleading concerned members. Until membership is set aside by competent forum, inclusion in voters' list cannot be termed illegal or arbitrary.

j) Elections to the Managing Committee are governed by statutory mandate under Section 31-B(d) of the TCS Act, 1964, requiring timely conduct. The election notification dated **18.03.2026** fixing election on **05.04.2026** forms part of an ongoing election process, which should not be interfered with under Article 226.

k) Sections 61(3) and 61(4) of the TCS Act, 1964 provide that all election disputes, including those relating to voters' list, must be raised before the Cooperative Tribunal after declaration of results. Rule 22 of the TCS Rules, 1964 constitutes a complete code governing entire election process, including preparation and finalisation of voters' list.

l) Once election process has commenced, judicial interference is impermissible except in exceptional circumstances. The grievances raised by petitioners relate to

intermediate stages of election process and involve disputed facts, which cannot be adjudicated in writ proceedings.

m) In view of non-impleadment of affected members, absence of violation of orders dated 24.10.2024 and 18.03.2026, availability of alternative statutory remedy, and settled principle against interference in election process, the writ petition is not maintainable and is liable to be dismissed in limine.

16. The learned senior designated counsel Sri Hemendranath Reddy appearing on behalf of the Jubilee Hills Co-operative House Building Society Limited, Jubilee Hills, Hyderabad in W.P.Nos.8514, 8727, 8728, 8748 of 2026 puts forth the following submissions:

a) The Writ Petition Nos. 8514, 8727, 8728, and 8748 of 2026 concern petitioners who were disqualified and removed from the membership of the Jubilee Hills Cooperative House Building Society Ltd., Jubilee Hills, Hyderabad, Telangana, strictly in accordance with the provisions of the Telangana Co-operative Societies Act, 1964. Their grievance pertains only to the orders passed by the Commissioner for Cooperation and

Registrar of Cooperative Societies while dealing with objections under Rule 22(6)(d) of the Telangana Co-operative Societies Rules, 1964, relating to the non-inclusion of their names in the voters' list for the ensuing elections.

b) W.P. No. 8514 of 2026 has been filed on a clear misconception of facts. The petitioners in W.P.No.8514 of 2026 erroneously assumed that the impugned order dated 12.03.2026 was passed in violation of the interim order of this Court dated 23.02.2026 in W.P. Nos. 5171 and 5194 of 2026 and prior to the scheduled personal hearing on 17.03.2026. In fact, the order dated 12.03.2026 was passed independently under Rule 22(6)(d) while considering general objections to the provisional voters' list issued vide Rc. No. 90/2026-Hsg dated 06.03.2026.

c) While passing the impugned order dated 12.03.2026, the Commissioner considered the collective representation dated 09.02.2026 submitted by the petitioners along with Sri J. Durga Prasad and Smt. G. Kasturi, and passed appropriate orders. The said proceedings are distinct from and independent of the proceedings undertaken pursuant to the interim order dated 23.02.2026, which culminated in a

separate order dated 18.03.2026 after affording a personal hearing on 17.03.2026.

d) Since the impugned order dated 12.03.2026 was not passed pursuant to the interim directions in W.P. Nos. 5171 and 5194 of 2026, the challenge in W.P. No. 8514 of 2026 is misconceived and liable to be dismissed in limine, particularly in view of the subsequent order dated 18.03.2026 passed after due hearing.

e) Section 31-B(d) of the Telangana Co-operative Societies Act, 1964 mandates that elections to the Managing Committee shall be conducted before the expiry of the term of the existing committee. This mandate operates independently to ensure continuity in the governance of cooperative societies.

f) Though elections could not be conducted before the expiry of the previous committee elected on 21.03.2021 due to multiple litigations, the State Cooperative Election Authority had issued an election notification vide Rc. No. 389/HYD/SCEA/2026 dated 18.03.2026, appointing an Election Officer and fixing 05.04.2026 as the date of election, along with the publication of the election schedule.

g) Sections 61(3) and 61(4) of the Act provide a complete statutory mechanism for the adjudication of election disputes, mandating that any dispute relating to or in connection with elections shall be referred to the Cooperative Tribunal only after the declaration of results.

h) It is a settled principle of law that once the election process has commenced, no interference is warranted under Article 226 of the Constitution of India at any intermediary stage. All disputes, including those relating to the preparation of electoral rolls and inclusion or exclusion of names therein, form part of the election process and must be agitated only by way of an election dispute after completion of the elections before the competent Cooperative Tribunal.

i) Rule 22 of the Rules constitutes a complete code governing the election process. The issues raised by the petitioners involve disputed questions of fact, which cannot be adjudicated in writ jurisdiction and fall within the exclusive domain of the Cooperative Tribunal.

j) The impugned orders dated 12.03.2026 and 18.03.2026 passed by the Commissioner are valid, reasoned, and in

accordance with Rule 22(6)(d), as the Commissioner has rightly held that he cannot adjudicate issues relating to membership, disqualification, or removal while exercising summary jurisdiction under Rule 22(6)(d).

k) Questions relating to the validity of removal and disqualification of members fall within the ambit of Section 21 of the Act and are appealable under Section 76 before the Cooperative Tribunal. Therefore, they cannot be examined in proceedings under Article 226.

l) The petitioners were part of 887 waitlisted members who were not allotted plots in the subject society and remained inactive for several years. They were removed by the General Body in 2024 in the larger interest of the Society, whereas only 34 members have approached this Court at the stage of elections.

m) The conduct of the petitioners clearly indicates that the writ petitions have been filed with the intention to obstruct the election process, as no challenge has been made to their removal nor has any relief been sought for their continuation as members.

n) Prior to their removal, notices were issued to all petitioners through registered post with acknowledgment due at their known addresses, calling upon them to show cause. Thereafter, the General Body passed a resolution removing them, which was also communicated through registered post.

o) In view of Section 27 of the General Clauses Act, 1897, and settled principles of law, service of notice sent by registered post to the correct address is deemed to be valid service. The petitioners, therefore, cannot deny knowledge of their removal.

p) The petitioners' contention regarding non-compliance with Rule 20 is untenable, as Rule 20 has been rendered redundant in view of the amendment to Section 21(3) of the Act by Act No. 22 of 2001, whereby the power of removal has been vested in the General Body.

q) Once Rule 20 has become redundant, the procedure followed by the Society under Section 21 is sufficient and valid, and no further procedural requirement can be imported from the said Rule.

r) If the petitioners are aggrieved by their removal, their remedy lies under Section 76 of the Act before the Cooperative Tribunal and not by way of writ petitions under Article 226, particularly when disputed questions of fact are involved.

s) The reliance placed by the petitioners on earlier orders in W.P. Nos. 14099 and 22864 of 2020 is misplaced, as the facts in the present case are entirely different, where the removal of members by the General Body is in issue. The Hon'ble Supreme Court in *Bharat Petroleum Corporation Ltd. vs. N.R. Vairamani* (2004) 8 SCC 579 has held that precedents must be applied having regard to the facts of each case, and even a slight factual difference may lead to a different conclusion.

t) In view of the statutory scheme under Sections 31-B(d), 61(3), 61(4), and 76, and Rule 22(6)(d) of the 1964 Act and Rules, and in light of the settled legal principles governing election matters, the present writ petitions are not maintainable and are liable to be dismissed.

The learned senior designated counsel placed reliance on the following Judgments in support of the

case of the 4th Respondent Society in all the batch of**the writ petitions:**

- i. Fertilizers & Chemicals Travancore Ltd. Vs. Regional Director, ESIC & Ors., (2009) 9 SCC 485
- ii. Anand Yadav & Ors. Vs. State of Uttar Pradesh, (2021) 12 SCC 390
- iii. Esteem Properties Pvt Ltd. Vs. Chetan Kamble, (2002) 11 SCC 661
- iv. Jubilee Hills Co-operative House Building Society Ltd. Vs. District Collector, (1992) 1 AndhWR 783
- v. M.A.Sami Khan Vs. District Collector, (1992) 1 AndhWR 679
- vi. Kaushal Kishore & Anr Vs. The State of Bihar, 2016 (2) PLJR 604
- vii. Ch. Srinivas Rao and Anr. Vs. District Collector/Election Authority, 2007 (3) ALD 197
- viii. Shri Sant Sadguru Janardhan Swamy Vs. State of Maharashtra, (2001) 8 SCC 509
- ix. Nanhoo Mal & Ors. Vs. Hira Mal, (1976) 3 SCC 211
- x. Shaji K.Joseph Vs. V.Vishwanath & Ors., (2016) 4 SCC 429
- xi. Gudivada Cooperative Urban Bank Ltd. Vs. Smt.Sheik Mahaboobi & Ors., 2009 (1) ALT 174
- xii. Katta Sivaiah Vs. Government of A.P., 2013 (4) ALT 265
- xiii. Gundarpu Kiran Kumar Vs. The State of Telangana 2023 (6) ALT 151
- xiv. Mr.Surthi Venkatesh Vs. Election Committee, 2021 (3) ALD 105
- xv. Laxmannagari Shashidhar Reddy Vs. The State of Telangana, 2024 Supreme (Telangana) 102
- xvi. Rabi Umamaheswara Rao Vs. The State of Andhra Pradesh, 2015 (6) ALT 87
- xvii. Logisa Suribabu Vs. The State of Andhra Pradesh, 2017 (5) ALT 335
- xviii. Davuluri Malyadri & Anr. Vs. The Collector & District Election Authority, 2013 (1) ALT 207
- xix. Verma Prasad & Ors. Vs. State of Andhra Pradesh, 2021 (1) ALT 497

- xx. Upputuri Rama Mohan Rao Vs. The Election Officer, Jonnalagadda PACS, 2024 (5) ALT, 157
- xxi. Pandurang Laxman Kadam Vs. State of Maharashtra, 2016 (1) AIR (Bom)(R), 336
- xxii. K.V. Vijayakumar Vs. The Joint Registrar of Co-operative Societies, MANU/KE/0036/1996
- xxiii. C. Subrahmanyam Vs. K. Ramanjaneyulu & Ors., (1998) 8 SCC 703
- xxiv. V.Radha Krishna & Ors. Vs. State of Telangana, 2020 (1) ALT 257
- xxv. Gujarat University Vs. Shri N.U. Rajguru & Ors., 1988 AIR (SC) 66,
- xxvi. Ajmeera Shyam Vs. Smt.Kova Laxmi & Ors., 2025 (5) ALD (SC), 123,
- xxvii. Dattatray Genaba Lole Vs. Divisional Joint Registrar, 2021 (1) Bom CR 471.

17. The learned Government Pleader Smt. Mohana Reddy, appearing on behalf of the official respondents in the present batch of writ petitions mainly puts forth the following submissions:

1. The 271 members admitted to the Society is prior to the orders of the High Court dated 24.10.2024 passed in W.P.No.29810 of 2024.
2. The admission fee of the said admitted members was collected on or before 14.10.2024 and the same was received by cheques and demand drafts **and some of them might have been realized after 24.10.2024.**

3. Against the admission of the membership under Section 19 of TCS Act, 1964 appeal lies to Co-operative Tribunal under Section 76 of TCS Act, 1964. Any removal of membership under Section 21 and 23 of TCS Act, 1964 appeal lies the Tribunal under Section 76 of TCS Act, 1964.
4. There is no violation of the orders of the High Court dated 24.10.2024 passed in W.P.No.29810 of 2024 as alleged by the petitioners.
5. Against the Disqualification of the members under Section 21(3), the merits of removal, shall be reviewed by the Co-operative Tribunal under Section 76 of the TCS Act, 1964 and the Respondent No.2 has no jurisdiction to review the same.
6. Admission Fee is prerequisite for admitting membership as such, collection of Share Capital from the members and payment of Share Capital by the members is subsequent admission of Membership.

7. The Registrar or the Election Authority not depositing the amount towards election expenditure cannot be said to be illegal since the Election Authority allowed the Society to incur all expenditure related to Election on its own and pay remuneration to the Staff deputed to the Election purpose.
8. As per Rule 22(8A) (ii) TCS Rules 1964, the Registrar is having sufficient staff to depute to the elections and State Co-operative Election Authority functioning in the same premises of the Special Commissioner for Co-operation and Registrar of Co-operative Societies, Telangana, Hyderabad, as such, no special requisition is required from the State Co-operative Election Authority to Special Commissioner for Co-operation and Registrar of Co-operative Societies, Telangana, Hyderabad, for deputation of staff.
9. In compliance to the directions of this Court in W.P.No.5171 and 5194 of 2026 separate orders had been passed on 18.03.2026 after hearing the petitioners on 17.03.2026.

Based on the aforesaid submissions the learned Government Pleader contended that the petitioners are not entitled for grant of any relief as prayed for in the present writ petitions.

CONCLUSION:

18. In W.P.No.8514 of 2026 the petitioners challenged the impugned order vide Rc.No.1333/2026-HG1 dated 12.03.2026 issued by the 2nd respondent in rejecting the objections submitted by the petitioners that the provisional eligible voters list published on 09.02.2026 by the 4th Respondent Society for the ensuing elections 2026 as being illegal, arbitrary, in gross violation of principles of natural justice and contrary to the provisions of the Telangana Co-operative Societies Act, 1964, Rule 22(6)(d) of the rules made thereunder and the bye-laws of the 4th Respondent Society and consequently to set aside the same and direct the respondents to include the names of the petitioners and other similarly situated members of the 4th Respondent Society.

19. Vide the impugned order dated 12.03.2026 issued by the 2nd respondent the objections of the petitioners pertaining

to 887 members being removed without providing an opportunity to them to make a representation against the said removal from the membership, were disposed rejecting the same stating two specific reasons, **firstly that the matter is subjudice before High Court in W.P.No.29810 of 2024 and secondly if the petitioners have any grievance petitioners can prefer an appeal under Section 76 of the Act, 1964.**

20. The said writ petition 29810 of 2024 was in fact filed by one Jyothi Prasad Kosaraju, seeking prayer as under.

“...to a grant an order direction or writ more so in the nature of a Writ of Mandamus declaring the inaction of the Respondent No.2 on the representations dated 24/09/2024 and 09.10.2024 submitted by the Petitioner as illegal arbitrary and violative of the provisions of the Telangana Cooperative Societies Act consequently direct the Respondent No.2 to consider the representations dated 24/09/2024 and 09/10/2024 submitted by the Petitioner and to take action in accordance with the law and pass...”

21. The grievance of the said petitioner even as per the prayer extracted above, indicates challenge to the inaction of

the respondents thereunder to consider the representation submitted by the members alleging that the 4th Respondent Society is illegally admitting new members into the society for project which is being taken up contrary to bye-laws.

22. A bare perusal of the order impugned in the present writ petition No.8514 of 2026 vide Rc.No.1333/2026-HG1 dated 12.03.2026 issued by the 2nd Respondent is an order passed under Section 22 (6)(d) of TCS Act and Rules and therefore this Court opines that the two reasons indicated in the order impugned dated 12.03.2026 in respect of the petitioners in the present W.P.No.8514 of 2026 are totally irrelevant and without application of mind. In so far as the plea of the petitioners to invoke section 76 of Co-operative Societies Act, 1964 and prefer an appeal is concerned, this Court opines that the said remedy is not applicable to the petitioners herein, as Section 76 does not encompass decisions taken by the Registrar under Rule 22 (6)(b) of TCS Rules, 1964, this Court opines that the petitioners cannot be relegated to a Tribunal when the grievance of the petitioners is consideration of petitioners objection against the provisional voters list and seeking revision of voters list of Jubilee Hills Co-operative

Housing Society. A bare perusal of Section 76 of the Telangana Co-operative Societies Act, 1964 also does not indicate that against an order passed under Rule 22 (6)(d) of the TCS Act and Rules a remedy of appeal is provided to the Tribunal **and the pendency of writ petition No.29810 of 2024 which pertains to grant of different relief of another individual is nowhere connected or related to the petitioners grievance as put forth in the present writ petition No.8514 of 2026. Hence, this Court opines that the 2nd respondent acted hastily, arbitrarily without application of mind in a routine casual manner in passing the impugned proceedings dated 12.03.2026, which is a cryptic order passed without assigning any reason.**

23. The 1st petitioner in W.P.No.8514 of 2026 is the 1st petitioner in W.P.No.5194 of 2026 and the 2nd petitioner in W.P.No.8514 of 2026 is the 2nd petitioner in W.P.No.5171 of 2026.

24. **On an earlier occasion, this Court passed orders dated 23.02.2026 in I.A.No.1 of 2026 in W.P.Nos.5171**

and 5194 of 2026, in particular, at para Nos.2 and 9

observing as under:

“Learned Senior Counsel for petitioners submitted that 887 members including petitioners were disqualified and they were removed from the Society members voters list only on the ground that they failed to submit KYC, which is contrary to provisions of Telangana Co-operative Societies Act, 1964 (for short ‘the Act’, 1964) and Rules thereunder; that bye-laws of the Society does not mandate that member can be disqualified for non-furnishing KYC. They further submitted that petitioners are disqualified from membership of the Society without following the procedure contemplated under Section 21(3) of the Act, 1964 and more so, proviso thereunder, which clearly contemplates that unless an opportunity of making a representation against the proposed action is provided, members shall not be removed; that petitioners have submitted a representation dated 14.02.2026 to respondent No.4, however, the same has not been considered.

In the light of submissions made by the learned Senior Counsel for petitioners, learned Senior Counsel for respondent No.4 and learned Government Pleader for Co-operation, petitioners are granted liberty to submit representation to respondent No.2-Registrar for inclusion of their names in the voters list and on such

application being submitted by the petitioners, respondent No.2-Registrar is directed to consider the same and pass appropriate Orders strictly in accordance with the provisions of the Act, 1964 and Rules made thereunder as well as bye-laws of respondent No.4 by duly affording an opportunity of hearing to petitioners as well as respondent No.4 as expeditiously as possible.”

25. The 1st petitioner in W.P.No.8514 of 2026 along with few others filed W.P.No.8727 of 2026 seeking Writ of Mandamus declaring the order vide Rc.No.1412/2026-HG1 dated 18.03.2026 issued by the 2nd respondent in rejecting the objections submitted by the petitioners to the provisional eligible voters list published on 09.02.2026 by the 4th Respondent Society for the ensuing Elections 2026 and the consequential issuance of Election Notification by the 3rd respondent vide Proceedings Rc.No.389/Hyderabad/SCEA/2026 dated 18.03.2026 as being illegal, arbitrary and in violation of the orders dated 23.02.2026 passed in W.P.No.5194 of 2026 (referred to and extracted above).

26. A bare perusal of the order impugned dated 18.03.2026 challenged in W.P.No.8727 of 2026 and also the orders

impugned in W.P.Nos.8748 of 2026, 8728 of 2026 issued by the 2nd respondent herein, clearly indicates that the request of the petitioners for inclusion of the petitioners names in the voters list on submission of KYC on par with 40 others who have been restored had not been considered at all. None of the pleas put forth by the petitioners neither reflect in the impugned proceedings dated 18.03.2026 issued by the respondent No.2 herein nor there is any discussion about the same. The petitioners vide the impugned orders of the respondent No.2 which in fact, had been passed mechanically without application of mind, in a routine casual manner had been directed to prefer an appeal under Section of 76 of the Act, 1964 but it is the specific case of the petitioners that no order had been passed as on date under Section 21 of the Act, 1964 disqualifying the petitioners for membership of the respondent No.4 society nor any resolution to that effect had been communicated to the petitioners as on date as specifically averred at para Nos.12, 13 and 14 of the affidavit filed by the petitioners in support of the W.P. No.8727 of 2026, and also as per the averments in the affidavit filed by

the petitioners in support of petitioners case in the four writ petitions i.e., W.P.No.8514, 8727, 8728 and 8748 of 2026.

27. A bare perusal of the records and the report for the period from 01.08.2023 to 29.02.2024 filed as material document by the petitioners in the present W.P. No.8514 of 2026 at Page No.52, indicates that the respondent society had sent notices to the members to submit the KYM also referred as KYC to update the member records, but however disqualification for failure to submit KYM/KYC admittedly is not contemplated either under the Telangana Cooperative Society Act, 1964 or under the Bye-laws of the 4th Respondent Society.

28. A bare perusal of the material document filed by the petitioners in support of petitioners case pertaining to confirmation of minutes of the General Body Meeting held on 24.03.2024 (referred to and extracted above filed as material document at page No.74 in support of the case of the petitioners in W.P.No.8514 of 2026), clearly indicates a clear admission on the part of the respondent society that on receipt of show-cause

notices and disqualification, society received reply/explanation/intimation / show-cause from few of the members, and most of the notices had been returned unserved on several grounds.

29. The learned Government Pleader appearing on behalf of official respondents and also the learned senior designated counsel appearing on behalf of 4th respondent society does not dispute the fact that the 2nd respondent herein had restored the membership of 40 individuals on submission of KYC in 2025 and one member in March, 2026, as pleaded by few of the petitioners in the present batch of writ petitions but however, the said relief had not been extended to the petitioners herein in spite of the clear directions of this Court passed in favour of the petitioners herein in I.A. No.1 of 2026 in W.P. No.5171 of 2026 and W.P. No.5194 of 2026 dated 23.02.2026 and the said action of the 4th respondent herein is contrary to the very spirit of the orders passed in favour of the petitioners herein dated 23.02.2026 passed in I.A.No.1 of 2026 in W.P.No.5171 of 2026 and W.P.No.5194 of 2026 dated

23.02.2026. This Court opines that when few similarly situated persons like the petitioners on submission of KYC had their membership restored normal rule is that all other identically situated persons need to be treated alike by extending the said benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in respect of the petitioners herein by the 4th Respondent Society more emphatically since admittedly all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because petitioners did not approach the 4th Respondent Society earlier, they are not to be treated differently and it is a specific case of the petitioners in all the present four writ petitions that the petitioners had no knowledge, no prior notice prior to disqualifying the petitioners and the same is even admitted in the confirmation of Minutes of previous General Body Meeting held on 24.03.2024 of the 4th Respondent Society (referred to and extracted above), that the notices had been received only by few

members and most of the notices had been returned unserved on several grounds. The AGM Minutes dated 29.09.2024 filed as material document at page 69 of the papers filed by the petitioners in W.P.No.8514 of 2026 which are relied upon by the respondents do not disclose any details regarding issuance or service of notices, or consideration of objections and a bare perusal of the said Minutes in fact also admit that several notices were returned un-served.

30. This Court also takes note of the fact as borne on record that the very same management had earlier approached this Court by filing Writ Petition Nos.14099 and 22864 of 2020 seeking inclusion of similarly placed members and the revision of voters list and hence the respondents cannot turn around and reject the request of the petitioners for inclusion unilaterally, irrationally without assigning any reasons, denying the same benefit to the petitioners herein. Such conduct is impermissible in law. Since a party cannot approbate and reprobate.

31. Section 21 of the Act, 1964 deals with Disqualification and Proviso to Section 21 (referred to and extracted above), explicitly states that no members shall be removed under this Section unless he/she had an opportunity of making a representation against the proposed action and unless the resolution removing such member is communicated to the member he or she shall continue to be the member of the society. Rule 20 of the Rules 1964 (referred to and extracted) above, states that if any member of the Society becomes disqualified under Section 21, the Registrar by an order in writing declare that he/she shall cease to be a member of the Society after affording an opportunity to state his/her objection and hearing on the proposed action. Admittedly as borne on record the procedure as contemplated under proviso to Section 21 of the Telangana Co-operative Societies Act, 1964 had not been followed by the 4th respondent herein.

32. The Apex Court in the Judgment reported in 2012 (6) SCC Page 384 dated 08.05.2012 in "BIPROMASZ BIPRON TRADING SA v. BHARAT ELECTRONICS

LIMITED (BEL), observed as under at paras 31, 32, 33, 34 and 37 as under:

"31. Apart from the aforesaid statutory provision, it is also settled that an official order takes effect only when it is served on the person affected. In *Bachhittar Singh v. State of Punjab* this Court has clearly enunciated the principle of law in the following words: (AIR p. 398, para 10)

"10.... Thus it is of the essence that the order has to be communicated to the person who would be affected by that order before the State and that person can be bound by that order. For, until the order is communicated to the person affected by it, it would be open to the Council of Ministers to consider the matter over and over again and, therefore, till its communication the order cannot be regarded as anything more than provisional in character. Similarly, in this case until the order was communicated to the petitioner, the Chairman-cum-Managing Director would have been at liberty to reconsider the matter and thus rendering the order only provisional in character.

32. A similar question arose before this Court in BSNL v. Subash Chandra Kanchan wherein it has been clearly observed as under: (SCC p. 283, para 12)

"12. Evidently, the Managing Director of the appellant was served with a notice on 7-1-2002. The letter appointing the arbitrator was communicated to the respondent on 7-2-2002. By that time, 30 days' period contemplated under the Act lapsed. The Managing Director of the appellant was required to communicate his decision in terms of Clause 25 of the contract."

In reaching the aforesaid conclusion, this Court relied on the earlier judgment rendered in State of Punjab v. Amar Singh Harika wherein this Court has held as follows: (AIR p. 1316, para 11)

"11. The first question which has been raised before us by Mr Bishan Narain is that though the respondent came to know about the order of his dismissal for the first time on 28-5-1951, the said order must be deemed to have taken effect as from 3-6-1949 when it was actually passed. The High Court has rejected this contention; but Mr Bishan Narain contends that the view taken by the High Court is erroneous in law. We are not impressed by Mr Bishan Narain's argument. It is plain that the mere passing of an order of dismissal would not be effective unless it is published and communicated to the officer concerned. If the appointing authority

passed an order of dismissal, but does not communicate it to the officer concerned, theoretically it is possible that unlike in the case of a judicial order pronounced in court, the authority may change its mind and decide to modify its order."

33. The aforesaid observations make it clear that an order passed by an authority cannot be said to take effect unless the same is communicated to the party affected. The order passed by a competent authority or by an appropriate authority and kept with itself, could be changed, modified, cancelled and thus denuding such an order of the characteristics of a final order. Such an uncommunicated order can neither create any rights in favour of a party, nor take away the rights of any affected party, till it is communicated

34. The aforesaid proposition has been reiterated in Laxminarayan R, Bhattad v. State of Maharashtra¹⁴, wherein it has been held that: (SCC p. 431, para 52)

"52.... It is now well known that a right created under an order of a statutory authority must be communicated so as to confer an enforceable right. Similar view has been reiterated in Greater Mohali Area Development Authority v. Manju Jain wherein it is observed as follows: (SCC p.164, para 24) "

"24. Thus, in view of the above, it can be held that if an order is passed but not communicated to the party concerned, it does not create any legal right which can be enforced through the court of law, as it does not become effective till it is communicated."

37. The aforesaid decision of the Appellate Tribunal was upheld by this Court with the observations made in para 12 therein. However, the aforesaid observations cannot be read divorced from the observations made in paras 13 and 18, which are as under: (M.M. Rubber case12, SCC pp. 477 & 479)

"13. So far as the party who is affected by the order or decision for seeking his remedies against the same, he should be made aware of passing of such order. Therefore courts have uniformly laid down as a rule of law that for seeking the remedy the limitation starts from the date on which the order was communicated to him or the date on which it was pronounced or published under such circumstances that the parties affected by it have a reasonable opportunity of knowing of passing of the order and what it contains. The knowledge of the party affected by such a decision, either actual or constructive is thus an essential element which must be satisfied before the decision can be said to have been concluded and binding on him. Otherwise the party affected by it will have no means of obeying the order or acting in conformity with it or of appealing against it or otherwise having it set aside. This is based upon, as observed by Rajmannar, CJ. in Muthia Chettiar v. CIT16 'a salutary and just principle. The application of this rule so far as the aggrieved party is concerned is not dependent on the

provisions of the particular statute, but it is so under the general law."

This Court opines that the observations of the Apex Court in the above referred Judgment is in support of specific pleas of the petitioners in the batch of writ petitions No.8514, 8727, 8728, 8748 of 2026, that the statutory mandate laid down under Section 21(3) and its proviso of TCS Act, 1964 pertaining to Disqualification of Membership of Society (referred to and extracted above) had admittedly as borne on record, as is evident in the Minutes of Meeting dated 29.09.2024 at page 74 of the papers filed by the petitioners in W.P.No.8514 of 2026, been violated by the Respondents herein and hence the Disqualification is admittedly illegal, arbitrary and irrational.

33. The impugned proceedings dated 18.03.2026 had been issued by the 2nd respondent in respect of petitioners in W.P.Nos.8728 of 2026, 8727 of 2026, referring to the orders of this Court dated 23.02.2026 passed in I.A.No.1 of 2026 in W.P.Nos.5171 and 5194 of 2026.

34. This Court also takes note of the fact as borne on record that the order impugned rejecting the objections filed by the petitioners is dated 18.03.2026 and the impugned Election Notification issued by the 3rd respondent is also dated 18.03.2026 and the same is contrary to Rule 22(6), Rule 22(7) of the TCS Rules, 1964.

35. Rule 22 (6) of TCS Rules, 1964 is extracted hereunder:

22(6) **Voters List :**

(a) The incumbent Managing Committee / Person In-charge Committee / Official Administrator(s)/Adhoc Committee of the society shall prepare and publish the list of members eligible to vote on the notice board of the society. It shall indicate the Sl. No., Admission Number/ General Number, Date of Admission, Name of member, Father's Name, Village / Locality, Age, Community. Sex (Male/Female) along with the pass port size photo of the member voter. Provided that in respect of Primary Agricultural Cooperative Credit Societies, Large Sized Cooperative Societies, Farmers Service Cooperative Societies and Cooperative Rural Banks, the list shall be prepared Revenue Village wise and territorial Constituency wise as indicated in Rule 22-A(3)(i)]

(b) The incumbent Managing Committee / Person In-charge Committee / Official Administrator(s)/Adhoc Committee of the society of the society shall invite the claims or objections from the members.

(c) The incumbent Managing Committee / Person In-charge Committee / Official Administrator(s)/Adhoc Committee of the society shall communicate the list of members eligible to vote to the Registrar for verification and approval.

(d) Registrar after due verification and duly calling for the objections shall certify the eligible voters list after necessary corrections so that it confirms to the provisions of the Act, Rules and Government directions issued if any in this regard.

(e) The incumbent Managing Committee / Person In-charge Committee / Official Administrator(s)/Adhoc Committee of the society shall submit eligible voters list of the society duly approved and certified by the Registrar along with the proposals specified in sub-rule (1) to the State Cooperative Election Authority.

36. A bare perusal of the above said Rules 22(a)(b)(c)(d)(e) clearly indicates that the scheme of Rule 22(6) is intended for a substantive adjudication of objections to ensure a pure electoral process and the orders impugned clearly indicate that the Registrar failed to discharge his mandatory duty since

the final certified voters list can only be released by the Registrar after due verification, after duly calling for the objections and after duly certifying the eligible voters list after necessary corrections so that it conforms to the provisions of the Act, Rules and Government directions issued if any, in this regard, **in the present case admittedly as borne on record the said bounden statutory duty had not been discharged by the Registrar as per the mandate laid down under Rule 22 (6) of the Rules.**

37. Rule 22(7) and Rule 22(8A) (i)(ii)(iii) & (vi) are extracted hereunder:

22(7) **Election Expenses**

(a) Every society shall bear the total expenses for conducting of elections. Election expenses shall be calculated by the State Cooperative Election Authority based on the strength of the eligible voters, spread of the area of the operation of the society and number of election personnel to be deployed and logistics required. The State Cooperative Election Authority may issue guidelines in this regard from time to time.

(b) Upon receipt of proposals for conduct of elections under sub-rule (1), the State Cooperative Election Authority shall within (3) working days issue demand to the society for deposition of amount towards election expenses.

(c) Amount towards Election expenses shall be deposited by the societies within 3 working days of issue of demand by the State Cooperative Election Authority.

22(8A) Issue of Election Notification and Appointment of Election Officer:

(i) The State Cooperative Election Authority after scrutiny of election proposals submitted under sub-rule (1) and after receipt of deposit towards election expenses from the society shall approach the Registrar/any Government Department / Local Body/ Corporation for deployment of staff for conduct of elections.

(ii) The Registrar/ Government department / Local body/Corporation, based on the request of the State Cooperative Election Authority shall forward the details of the Officers and Staff to be deployed for conduct of election to the State Cooperative Election Authority.

(iii) The State Cooperative Election Authority shall issue Election notification while appointing Election officer and supporting staff for conduct of election.

(vi) The State Cooperative Election Authority shall issue Election notification while appointing the Election Officer along with supporting staff for each society.

38. A bare perusal of the above said Rule clearly indicates that after procedure under Rule 22(6)(d) is completed the voters list approved by the 2nd respondent is to be sent to the 4th Respondent Society and upon receiving the same the incumbent Managing Committee shall forward the same to the 3rd Respondent herein under Rule 22 (6)(e) thereafter under Rule 22(7)(b) within 3 working days, the 3rd respondent shall issue a demand for deposit of amounts towards election expenses. The 4th Respondent shall deposit such Election expense within 3 working days of the issue of the demand by

the 3rd respondent as under Rule 22(7)(c). The Respondent No.3 after scrutiny of the Election proposals (including voters list) as approved by the Registrar and after receipt of deposit towards election expenses under Rule 22(7) of the TCS Rules, 1964 from the Respondent No.4 Society shall approach the Registrar for deployment of the staff for conduct of elections under Rule 22(8A)(i), upon receiving the said requisition, the Registrar shall forward under Rule 22(8A) (ii) the details of the officer and staff to be deployed to the 3rd respondent thereafter the 3rd respondent shall issue Election Notification while appointing Election Officer and supporting staff for conduct of Elections under Rule 22(8A)(iii). **In the present batch of cases immediately upon passing the impugned orders rejecting/disposing objections under Rule 22(6)(d) the mandatory procedure as per the statute had not been followed and directly Election Notification had been issued under Rule 22(8A) on the very same date bypassing all the procedural aspects. Even according to the learned Government Pleader the procedure mandated under Rule 22(7) of the TCS Rules, 1964 was not followed by the respondents herein. The**

hasty action of the official respondents in issuing the Election Notification on 18.03.2026 itself by the 3rd respondent had clearly ignored the mandate under Rule 22(7) of the TCS Rules, 1964. As such, this Court opines that the entire election process is procedurally defective.

39. In W.P.No.8745 of 2026 the petitioners challenged the impugned proceedings dated 18.03.2026 issued vide Rc.No.1943/2026-HG1 by the 2nd respondent herein wherein the objections put forth by the petitioners herein had been rejected, pertaining to inclusion of 271 members in the voters list in clear violation of the interim stay granted by this Court dated 24.10.2024 passed in W.P.No.29810 of 2024 and the orders dated 18.03.2026 passed in C.C.No.650 of 2026 (referred to and extracted above). Though a specific plea is taken by the official respondents and 4th respondent herein that prior to passing of the order dated 24.10.2024 in W.P.No.29810 of 2024 the 271 members had been included in the voters list on 14.10.2024, a bare perusal of the material documents filed by the petitioners in W.P.No.8745 of 2026 in support of petitioners case pertaining to the Society financial

records and the Annual Accounts for 2024-2025 as mentioned in the General Body Meeting dated 21.09.2025 (Annexure-P12 i.e., page 260 of the material documents) show that the Share Capital for these 271 persons was kept in a 'Suspense Account' as on 21.09.2025. The same indicates that their membership admittedly had not been finalized as on 24.10.2024. A bare perusal of the SBI Bank Statements of Respondent No.4 Society dated 28.10.2024, 30.10.2024, 08.11.2024, 09.01.2025 confirmed that the membership fee i.e., the Minimum Share Capital of Rs.300/- for the contested 271 members were only realized and processed after the interim stay granted by this Court in W.P.No.29810 of 2024 dated 24.10.2024 and the same is even admitted in the written arguments filed on behalf of the official respondents as true in respect of few members. The 4th Respondent Society violated the specific directions of this Court dated 18.03.2026 passed in C.C.No.650 of 2026 since this Court very clearly observed in the said order that the Election Notification "Shall not be given with any of the members admitted after 24.10.2024 including members whose membership fee is received after the order. By issuing the

impugned Notification dated 18.03.2026 on the same day including the 271 members the respondent acted in clear violation of the orders of this Court dated 24.10.2024 passed in W.P.No.29810 of 2024 and also the specific directions issued in C.C.No.650 of 2026 dated 18.03.2026 **and thus, made a deliberate attempt to overreach this Hon'ble Court's specific directions issued in C.C.No.650 of 2026 dated 18.03.2026 and also the orders dated 24.10.2024 passed in W.P.No.29810 of 2024 and also the orders dated 23.02.2026 passed in I.A.No.1 of 2026 in W.P.Nos.5171 and 5194 of 2026 contrary to the very spirit of the said orders passed by this Hon'ble Court.**

40. In so far as maintainability of the present writ petition is concerned this Court opines that the present writ petition is maintainable:

(I) The Division Bench of the Apex Court in its recent judgment reported in 2023 Livelaw SC (749) vide Judgment dated 06.09.2023 in "UNION TERRITORY OF LADAKH AND OTHERS v. JAMMU AND KASHMIR NATIONAL CONFERENCE AND ANOTHER", observed as under:

22. Elections to any office/body are required to be free, fair and transparent. Elections lie at the core of democracy. The authority entrusted by law to hold/conduct such election is to be completely independent of any extraneous influence/consideration.

31. Having chosen with eyes open to not comply with successive orders of the learned Single Judge and the learned Division Bench both of which were passed well in time such as not to stall/delay the notified election schedule the appellants cannot be permitted to plead that interference by us at this late juncture should not be forthcoming.

32. It would not be out of place to mention that this Court can even turn the clock back if the situation warrants such dire measures. The powers of this Court if need be to even restore status quo ante are not in the realm of any doubt. The relief (s) granted in the lead opinion by Hon'ble Kehar Justice (as the learned Chief Justice then was) concurred with the other four learned Judges in Nabam Rebia and Bamang Felix v. Deputy Speaker Arunachal Pradesh Legislative Assembly reported in 2016 Vol.8 SCC 1 is enough on this aspect.

36. We are conscious that, by way of certain pronouncements, some of which are alluded to in this judgment, the Court extended principles relating to elections to Parliament, State Assemblies and Municipalities to other arenas as well. Indicatively, the interpretation of judgments is always to be made with due regard to the facts and circumstances of the peculiar case concerned. We have looked at Articles 243-O, 243ZG and 329 of the Constitution, and conclude that no bar hit the High Court, even on

principle. Apart from the judgments expressly considered and dealt with, hereinbefore and hereinafter, we have perused, out of our own volition, the decisions, *inter alia*, of varying-strength of this Court in *N P Ponnuswami v Returning Officer, Namakkal Constituency*, 1952 SCR 2187 ; *Durga Shankar Mehta v Thakur Raghuraj Singh*, (1955) 1 SCR 267; *Hari Vishnu Kamath v Syed Ahmad Ishaque*, (1955) 1 SCR 1104; *Narayan Bhaskar Khare (Dr) v Election Commission of India*, 1957 SCR 1081; *Mohinder Singh Gill v Chief Election Commissioner*, (1978) 1 SCC 405; *Lakshmi Charan Sen v A K M Hassan Uzzaman*, (1985) 4 SCC 689; *Indrajit Barua v Election Commission of India*, (1985) 4 SCC 722; *Election Commission of India v Shivaji*, (1988) 1 SCC 277; *Digvijay Mote v Union of India*, (1993) 4 SCC 1758 ; *Boddula Krishnaiah v State Election Commissioner, Andhra Pradesh*, (1996) 3 SCC 416; *Anugrah Narain Singh v State of Uttar Pradesh*, (1996) 6 SCC 303; *Election Commission of India v Ashok Kumar*, (2000) 8 SCC 216; *Kishansing Tomar v Municipal Corporation, Ahmedabad*, (2006) 8 SCC 352; *West Bengal State Election Commission v Communist Party of India (Marxist)*, (2018) 18 SCC 141; *Dravida Munnetra Kazhagam v State of Tamil Nadu*, (2020) 6 SCC 548; *Laxmibai v Collector*, (2020) 12 SCC 186, and last but not the least, *State of Goa v Fouziya Imtiaz Shaikh*, (2021) 8 SCC 4019. On scrutiny, in combination with the timelines and facts of the matter herein, we are sure that the High Court did not falter.

37. We would indicate that the restraint, self-imposed, by the Courts as a general principle, laid out in some detail in some of the decisions *supra*, in election matters to the extent that once a notification is issued and the election process starts, the Constitutional Courts, under normal circumstances are loath to interfere, is not a contentious issue. But where issues crop up, indicating unjust executive action or an attempt to disturb a level-playing field between candidates and/or political parties with no justifiable or intelligible basis, the Constitutional Courts are required, nay they are duty-bound, to step in. The reason that the Courts have usually maintained a hands-off approach is with the sole salutary objective of ensuring that the elections, which are a

manifestation of the will of the people, are taken to their logical conclusion, without delay or dilution thereof. In the context of providing appropriate succour to the aggrieved litigant at the appropriate time, the learned Single Judge acted rightly.

38. The reasoning of the learned Single Judge, further expanded by the learned Division Bench, leaves no doubt that the relief sought by R1 was required to be granted and accordingly the same was granted by the High Court.

39. This case constrains the Court to take note of the broader aspect of the lurking danger of authorities concerned using their powers relating to elections arbitrarily and thereafter, being complacent, rather over-confident, that the Courts would not interfere. The misconceived notion being that in the ultimate eventuate, after elections are over, when such decisions/actions are challenged, by sheer passage of time, irreversible consequences would have occurred, and no substantive relief could be fashioned is just that – misconceived. However, conduct by authorities as exhibited herein may seriously compel the Court to have a comprehensive re-think, as to whether the self imposed restrictions may need a more liberal interpretation, to ensure that justice is not only done but also seen to be done, and done in time to nip in the bud any attempted misadventure. We refrain from further comment on the Appellants, noting the pendency of the contempt proceeding.

44. For reasons aforesaid, the entire election process, initiated pursuant to Notification dated 02.08.2023 issued by the Administration of Union Territory of Ladakh, Election Department, UT Secretariat, Ladakh, under S.O.53 published *vide* No.Secy/Election/2023/290-301 dated 05.08.2023 stands set aside. A fresh Notification shall be issued within seven days from today for elections to constitute the 5th Ladakh Autonomous Hill Development Council, Kargil.

In view of the above referred clear, explicit observations of the Division Bench of the Hon'ble Apex Court and duly applying the principle laid down in the said Judgment to the facts of the present case and taking into consideration that cases pertaining to the said subject issue had been pending final adjudication on the file of this Hon'ble High Court since 2024 even before the publication of the provisional voters list dated 09.02.2026, this Court is of the firm opinion that the present writ petition is maintainable.

In the present batch of writ petitions the fundamental rights of the petitioners' i.e., right to exercise their franchise in the Elections, right to contest had been denied whimsically, erroneously, and illegally indicating unjust executive action and therefore this Court opines that it is duty bound to step in to ensure that justice is not only done but also manifestly seen to be done, as rightly observed by the Apex Court in the Judgment referred to and extracted above.

(II) The Three Judges Bench of the Apex Court at para '32' sub para (3) of the Judgment dated

30.08.2000 reported in 2000 Vol.8 SCC page 216, observed as under.

"32.(3) Subject to the above, the action taken or orders issued by Election Commission are open to judicial review on the well-settled parameters which enable judicial review of decisions of statutory bodies such as on a of mala fide or arbitrary exercise of power being made out or the statutory body being shown to have acted in breach of law.

In the present batch of cases as borne on record the respondents herein not only violated the statutory mandate and had acted in breach of law but also overreached and circumvented the Majesty of the orders passed by this Court and hence this Court opines that the malafide and arbitrary exercise of power by the respondents warrants interference by this Court and hence the present writ petition is maintainable.

(III) The Division Bench of the Apex Court in a judgment dated 20.04.2021 reported in (2021) 6 SCC 771 in M/s. Radhakrishnan Industries Vs. State of Himachal Pradesh, referred to a Judgment dated 26.10.1998 passed in Whirlpool Corporation Vs. Registrar of Trade Marks (reported in (1998) 8 SCC 1)

and further the said view had been reiterated by a Full Bench of the Apex Court (3 Judges) in a judgment reported in (2021) SCC Online SC page 801 in Magadh Sugar and Energy Limited Vs. State of Bihar and Others dated 24.09.2021 and in the said judgment in (2021) SCC Online SC 801 it is observed as under :

"27. The principles of law which emerge are that:

(i) The power under Article 226 of the Constitution to issue writs can be exercised not only for the enforcement of fundamental rights, but for any other purpose as well;

(ii) The High Court has the discretion not to entertain a writ petition. One of the restrictions placed on the power of the High Court is where an effective alternate remedy is available to the aggrieved person;

(iii) Exceptions to the rule of alternate remedy arise where (a) the writ petition has been filed for the enforcement of a fundamental right protected by Part III of the Constitution; (b) there has been a violation of the principles of natural justice; (c) the order or proceedings are wholly without jurisdiction; or (d) the vires of a legislation is challenged;

(iv) An alternate remedy by itself does not divest the High Court of its powers under Article 226 of the Constitution in an appropriate case though ordinarily, a writ petition should not be entertained when an efficacious alternate remedy is provided by law;

(v) *When a right is created by a statute, which itself prescribes the remedy or procedure for enforcing the right or liability, resort must be had to that particular statutory remedy before invoking the discretionary remedy under Article 226 of the Constitution. This rule of exhaustion of statutory remedies is a rule of policy, convenience and discretion; and*

(vi) In cases where there are disputed questions of fact, the High Court may decide to decline jurisdiction in a writ petition. However, if the High Court is objectively of the view that the nature of the controversy requires the exercise of its writ jurisdiction, such a view would not readily be interfered with."

This Court opines that the facts of the present case and the material on record clearly indicates that the present case falls under Clause (i) and first limb of clause (iii) (a) (b) and also clause (vi).

(IV) In an identical situation this Court in its earlier Judgment dated 05.04.2007 in W.P.No.6162 of 2007 reported in 2007 SCC Online A.P. 271 interfered in an Election matter under the Co-operative Societies Act, where 500 members names had been excluded in the voters list and the issue pertained to Rule 22 of the A.P. Co-operative Societies Rule 1964 and directed for

publication of fresh election programme. It is observed at para 8, 9 and 10 of the said Judgment as under:

Had the second respondent finalised the voters' list, after referring the omissions or commissions, if any, noticed by him, to the President of the Society, as required under Rule 22(2)(6) of the Rules, no objection could have been taken, for the exercise undertaken by him. From the counter affidavit filed on behalf of respondents 1,2 and 4, and the record, it is evident that the second respondent has not chosen to refer the matter to the President of the Society at all. When the Rule specifically mandates that the reference shall be made to the President alone, there was no basis for the second respondent in seeking the opinion of the 4th respondent and finalising the voters' list.

There is a clear infraction of the mandate contained in Rule 22(2)(vi) of the Rules. Further, the difference is also phenomenal. A list of 930 voters was slashed down to 379. Had this result emerged, after compliance with the provisions referred to above, the occasion to interfere would have arisen. It is true that this Court would hesitate and would not choose to interfere, once the election process has commenced. The disputes, if any, have to be resolved through

Election Petitions. However, in the instant case, a serious irregularity, which had the effect of subverting the very sanctity of election, has taken place. The General Body of the Society is said to have admitted about 500 members in the year 2005. In the voters' list furnished by the President of the Society, the names of the newly admitted members were included. Exclusion of such persons from the list must be on the basis of a proper exercise, which accords with the relevant Rules. The simplest thing for the second respondent would have been to seek clarification of his doubts from the President of the Society.

It is noteworthy that the ultimate decision rests with the second respondent and this Court is concerned more with the decision making process than the decision itself. The Rule prescribed a clear and unequivocal process. If the same is violated with impunity or otherwise, this Court cannot ignore such blatant violation. The maximum, that would happen, in the event of the second respondent being required to comply with the Rule is that the election programme would be pushed ahead hardly by one week. Rule 22 of the Rules itself contemplates that wherever election is stalled, for any reason, it shall be continued from the stage, where it was left. The corrective steps, at this stage, would avoid many controversies and

uncertainties, apart from respecting the spirit of democracy.

For the foregoing reasons, the Writ Petition is disposed of, directing that

a) The voters' list published by the second respondent through his proceedings, dated 26.03.2007, shall not be treated as final;

b) The second respondent shall refer the commissions and omissions, if any, noticed by him in the voters' list made available to him by the third respondent-Society, to the President thereof as required under Rule 22(2)(6) of the Rules and thereafter, publish the voters' list, on consideration of the information received by him.

c) The second respondent shall publish a fresh election programme, duly maintaining the time gap between the dates of filing of nominations, scrutiny, withdrawal, date of polling etc., and to 1 and 2 on 06.03.2007 and 26.03.2007 shall stand modified.

(V) The Apex Court in the Judgment reported in 2025 SCC Online 2359 at para '8' of the Judgment had laid down that once the rights of the parties are protected by way of interim direction that any action

shall be subject to the outcome of the writ petition, the issue needs to be adjudicated on merits notwithstanding any subsequent action. Para 8 of the said Judgment is extracted hereunder:

8. We have heard the learned counsel for the parties at length and with their assistance we have also perused the documentary material on record. Before considering the challenge raised by the petitioner, it would be necessary to first deal with the submission of the first respondent that by virtue of the subsequent election to fill in the vacancy caused by the disqualification of the petitioner, her challenge as raised had been rendered infructuous. In this regard, it is necessary to note that after the present proceedings were filed, a bye election was notified and the polling was scheduled on 07.07.2025. **This Court on 25.06.2025 directed that though the bye election could be held, the result thereof would be subject to outcome of the present proceedings.**

It is thus clear from the aforesaid that the holding of the subsequent election for filling in the vacancy caused by the unseating of the petitioner was made subject to outcome of these proceedings. It therefore cannot be gainsaid that with the conduct of the bye elections, the challenge raised by the petitioner to the order passed by the trial Court had become infructuous. Notwithstanding the conduct of the bye elections, the present challenge would be required to be adjudicated on merits since the rights of

the petitioner stand protected by virtue of the interim order dated 25.06.2025. The said contention raised by the first respondent therefore cannot be accepted.

In the present batch of writ petitions this Court in W.P.No.8514 of 2026 had granted similar interim protection by way of interim orders (referred to and extracted above).

(VI) A five judges bench of the Kerala High Court in its Judgment dated 17.12.2014 in Association of MILMA Officers v. State of Kerala in W.P.No.(C) No.9981 of 2010 reported in 2014 SCC Online Kerala 28691 observed at para 14 as under:

“The words any person or authority used in Article 226 are, therefore, not to be confined only to statutory authorities and instrumentalities of the state. They may cover any other person or body performing public duty. The form of the body concern is not very much relevant. What is relevant is the nature of the duty imposed on the body. The duty must be judged in the light of positive obligation owned by the person or authority to the affected party. No matter by what means the duty is imposed, if a positive obligation exists, mandamus cannot be denied. As held in

Praga Tools Corporation v. CA Imanual reported in 1969 (1) SCC, page 585. In other words, to be enforceable by Mandamus, a public duty does not necessarily have to be one imposed by statute. A Mandamus can be issued even in a case of breach of duties imposed by charter, common law, custom or even contract, because Mandamus is a very wide remedy which must be easily available to reach injustice wherever it is found and technically should not be an impediment in the granting of relief to undo injustice. It is also now trite, as held in the Judgment reported in 1997 Vol.9 SCC 377 in Air India Statutory Corporation v. United Labour Union that though the public law remedy under Article 226 of the Constitution can be made use of not only in the cases of violation of fundamental rights or any other right, but also for "any other purpose" as well.

(VII) A Division bench of High Court of Karnataka in the Judgment dated 06.11.1991 passed in Writ Appeal No.2487 and 2489 of 1991 in L.Ramakrishnappa v. Presiding Officer reported in 1991 SCC Online Karnataka 423 at para 20 (3) observed as under:

20.(3) In exceptional cases in which the illegality committed is patent and does not depend

upon the investigation of disputed questions of fact and interference is called for to prevent, abuse of power and the taking of advantage of such illegality by its beneficiaries for some time, waste of public time and money and to avoid inconvenience to the public institution concerned, this Court has not only the power but also under a duty to interfere provided the party aggrieved approaches this Court forthwith and in good time.

(VIII) In the Judgment of the Apex Court in Hari Krishna Mandir Trust V. State of Maharashtra and Others reported in AIR 2020 Supreme Court 3969 and in particular para Nos.100 and 101 it is observed as under:

“100. The High Courts exercising their jurisdiction under Article 226 of the Constitution of India, not only have the power to issue a writ of mandamus or in the nature of mandamus, but are duty-bound to exercise such power, where the Government or a public authority has failed to exercise or has wrongly exercised discretion conferred upon it by a statute, or a rule, or a policy decision of the Government or has exercised such discretion mala fide, or on irrelevant consideration.

101. In all such cases, the High Court must issue a writ of mandamus and give directions to compel performance in an appropriate and lawful manner of the discretion conferred upon the Government or a public authority.”

(IX) In a Judgment dated 30th October, 2019 in W.P.No.6981 of 2019, in an identical situation, whereunder a society registered under the A.P.Co-operative Societies Act, 1964 prepared a final voters list without following the procedure contemplated under Rule 22 (2)(6) of the A.P. Co-operative Societies Rules 1964 came up for consideration before the Court at paras `5, 6 and 8' of the said Judgment it is observed as under:

"5. With regard to the contention raised by the Government Pleader, about the maintainability of the writ petition, on the ground that Section 61(3) of the AP Cooperative Societies Act, provides that the dispute relating to the Society shall be referred for decision to the Tribunal having jurisdiction, the counsel relies on the judgment of the High Court of Judicature at Hyderabad for the States of Telangana and the State of Andhra Pradesh reported in Vattikala Naga Bhaskar Rao vs. The State of Andhra Pradesh passed in W.P.Nos.6837, 8373 & 18714 of 2018, wherein it was held as follows:

"It is no doubt true that all disputes relating to elections to a Managing Committee of a Co-operative Society shall be determined only by an

authority competent to do so and such disputes could be raised only after the result of the election is declared and the election process should not be generally interrupted on the parties aggrieved raising any disputes even before the elections are held. However, it is also settled law that when the illegality or irregularity is very serious and fundamental, election process could be interrupted in deserving cases. This view of this Court is reinforced by the decision in R. VENUGOPAL VS. DISTRICT COLLECTOR AND OTHERS¹ Under similar circumstances, this Court in the decision in TADEM SATISH & OTHERS V. DISTRICT COLLECTOR, NALGONDA DISTRICT having found that the Election Officer committed a clear infraction of the mandate contained in Rule 22 (II)(vi) of the Rules and that the difference of number of voters in the two voters' lists being phenomenal and as the number of voters is slashed down from 930 to 379 held that the said case is a fit case warranting interference and accordingly held that the voters' list published by the respondent therein shall not be treated as final and directed him to follow the mandate of the Rule and thereafter publish the voters' lists and the fresh election programme. Accordingly this Court disposed of the said writ petition. Therefore, the contention that election process could not be interrupted under any

circumstances, including in cases where the illegality and/or irregularity is very serious and fundamental cannot be countenanced."

6. Hence, the maintainability of the writ petition before this court can be upheld. In the said judgment, the High Court of Telangana observed that on the ground that Rule 22(2)(vi) is violated, the omission warrants interference and the writ petitions deserves to be allowed.

8. With the above observations, the Writ Petition is allowed setting aside the proceedings No.1/2019, dated 22.10.2019, issued by the 5th respondent.

41. JUDICIAL REVIEW:

This Court is conscious of the fact that the words judicial review as the words implied is not an appeal from a decision, but a review of a manner in which the decision was made. The Hon'ble Apex Court in the judgment reported in 2006 Vol.8 SCC 200 in JAYRAJBHAI JAYANTI BHAI PATEL v. ANILBHAI NATHUBHAI PATEL AND OTHERS, at paras 18 to 20 observed as under:

"18. Having regard to it all, it is manifest that the power of judicial review may not be exercised unless the administrative decision is illogical or suffers from procedural impropriety or it shocks the conscience of the court in the sense that it is in defiance of logic or moral standards but no standardised formula, universally applicable to all cases, can be evolved. Each case has to be considered on its own facts, depending upon the authority that exercises the power, the source, the nature or scope of power and the indelible effects it generates in the operation of law or affects the individual or society. Though judicial restraint, albeit self-recognised, is the order of the day, yet an administrative decision or action which is based on wholly irrelevant considerations or material; or excludes from consideration the relevant material; or it is so absurd that no reasonable person could have arrived at it on the given material, may be struck down. In other words, when a court is satisfied that there is an abuse or misuse of power, and its jurisdiction is invoked, it is incumbent on the court to intervene. It is nevertheless, trite that the scope of judicial review is limited to the deficiency in the decision-making process and not the decision.

19. The following passage from Professor Bernard Schwartz's book Administrative Law, (3rd Edn.) aptly echoes our thoughts on the scope of judicial review:

"Reviewing courts, the cases are now insisting, may not simply renounce their responsibility by mumbling an indiscriminate litany of deference to expertise. Due deference to the agency does

not mean abdication of the duty of judicial review and rubber-stamping of agency action: We must accord the agency considerable, but not too much deference, it is entitled to exercise its discretion, but only so far and no further."

Quoting Judge Leventhal from Greater Boston Television Corpon. v FCC, 444 F 2d 841. 851 (DC Cir 1970) he further says:

...the reviewing court must intervene if it 'becomes aware that the agency has not really taken a "hard look" at the salient problems, and has not genuinely engaged in reasoned decision-making...."

Tested on the touchstone of the above principle, this Court is of the view that on the facts in hand in the batch of present five cases, this Court is justified in exercising its power of judicial review."

42. It is true that this Court has to confine itself to the question of legality and its concern should be,

TO EXAMINE :

- (a) Patent illegality,
- (b) Procedural impropriety,
- (c) Irrationality,
- (d) Abuse of powers and also
- (e) Breach of rules of natural justice and
- (f) Violation of statutory provisions and also the relevant rules
- (g) Violation of the orders of this Court:

(a) **Patent illegality:**

This Court opines that in the present batch of writ petitions there is patent illegality or apparent error. The error apparent on the face of record, as borne on record, is the failure to comply with mandatory procedure laid down under the A.P. Cooperative Societies Act, 1964 and the relevant rules made thereunder as explained above in the present Judgment which goes into the root of the impugned orders passed by the 2nd and 3rd respondent and vitiates the very decision making process itself, and the orders impugned admittedly are bereft of any reasons and hence patently illegal.

(b) Procedural Impropriety:

There is clear violation of Sections 21 (3) of TCS Act, 1964, Rule 22(6) (d), Rule 22(6)(e), Rule 22(7)(b) Rule 22(7)(c) Rule 22 (8A) (iii) and (vi) of the Telangana Co-operative Societies Rules 1964 and the official respondents herein and the 4th Respondent Society acted in utter violation of the

duties cast upon the said Authorities indicating clear breach of law.

It is settled law when a statute describes or requires a thing to be done in a particular manner it should be done in that manner or not at all.

i) The Division Bench of Apex Court in its judgment dated 04.10.2021 in Supertech Ltd., Vs. Emerald Court Owner Resident Welfare Association and Ors., reported in 2021 SCC Online SC 3422, referring to Taylor Vs. Taylor, 1875 (1) Ch D426, Nazir Ahmed Vs. King Emperor reported in (1936) L.R.63 Ind Ap372 and Parbhani Transport Co-operative Society Ltd., Vs. The Regional Transport Authority, Aurangabad & Ors., reported in AIR 1960 SC 801 at para 13 observed as under :

“It is that where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all and that other methods of performance are necessarily forbidden. Hence when a statute requires a particular thing to be done in a particular manner, it must be done in that manner or not at all and other methods of performance are necessarily forbidden. This Court too, as adopted this maxim. This rule provides that an expressly laid down

mode of doing something necessarily implies a prohibition on doing it in any other way.

ii) In the Judgment reported in 2014 (2) SCC page 401 in J.Jayalalitha v. State of Karnataka the Supreme

Court held:

“34. There is yet an uncontroverted legal principle that when the statute provides for a particular procedure, the authority has to follow the same and cannot be permitted to act in contravention of the same. In other words, where a statute requires to do a certain thing in a certain way, the thing must be done in that way and not contrary to it at all. Other methods or mode of performance are impliedly and necessarily forbidden. The aforesaid settled legal proposition is based on a legal maxim *expressio unius est exclusio alterius*, meaning thereby that if a statute provides for a thing to be done in a particular way, then it has to be done in that manner and in no other manner and following any other course is not permissible.

35. In State of U.P. v. Singhara Singh² this Court held as under: at para 8 of the said Judgment.

“8. The rule adopted in Taylor v. Taylor is well recognised and is founded on sound principle. Its result is that if a statute has conferred a power to do an act and has laid

down the method in which that power has to be exercised, it necessarily prohibits the doing of the act in any other manner than that which has been prescribed. The principle behind the rule is that if this were not so, the statutory provision might as well not have been enacted.”

In the present batch of writ petitions the mandatory procedure laid down under the statute and the relevant rules had not been followed and hence there is procedural impropriety.

(c) Irrationality:

This Court opines that a decision is vitiated by irrationality, when no person acting reasonably could possibly have taken the impugned decisions having regard to the material on record.

In the batch of present writ petitions the action of the respondents is in breach of law and contrary to the statutory provisions, in clear violation of principles of natural justice and also of the orders of this Court bypassing the Court orders which no person acting in

prudence could possibly act and hence the action of the respondents is irrational.

43. In the present batch of writ petitions as explained at paras 18 to 42 of the present Judgment there is clear

- (a) Abuse of powers by the respondents herein,**
- (b) Breach of rules of natural justice,**
- (c) Violation of statutory provisions of the Co-operative Societies Act, 1964 and also the relevant rules,**
- (d) Violation of the orders of this Court i.e.,**
 - (i) Orders dated 24.10.2024 passed in W.P.No.29810 of 2024,**
 - (ii) The specific directions issued in C.C.No.650 of 2026 dated 18.03.2026,**
 - (iii) The orders of this Court dated 23.02.2026 passed in I.A.No.1 of 2026 passed in W.P.Nos.5171 of 2026 and 5194 of 2026,**

Hence, this Court prima facie opines that the subject issue in the batch of writ petitions needs examination in detail.

44. This Court opines that the petitioners herein are entitled for grant of interim relief applying the principle of doctrine of necessity.

45. The Apex Court in the Judgment dated 23.04.1996 reported in 1996 (4) SCC 104 in Election Commission of India and another v. Dr. Subramanyam Swamy and another applying the principle of Doctrine of Necessity at para 16 observed as under:

“16. We must have a clear conception of the Doctrine. It is well settled that the law permits certain things to be done as a matter of necessity which it would otherwise not countenance on the touchstone of judicial propriety. Stated differently, the doctrine of necessity makes it imperative for the authority to decide and consideration of judicial propriety must yield. It is often invoked in cases of bias where there is no other authority or Judge to decide the issue. If the doctrine of necessity is not allowed full play in certain unavoidable situations, it would impede the course of justice itself and the defaulting party would benefit therefrom. Take the case of a certain taxing statute which taxes certain perquisites allowed to Judges. If the validity of

such a provision is challenged who but the members of the judiciary must decide it. If all the Judges are disqualified on the plea that striking down of such a legislative would benefit them, a stalemate situation may develop. In such cases the doctrine of necessity comes into play.

46. The Apex Court in the Judgment dated 26.09.2011 reported in 2011 Vol.10 SCC 106 in Lalit Kumar Modi v. Board of Control for Cricket in India and others at para 38 observed as under:

“The doctrine of necessity is a common law doctrine and is applied to tide over situation where there are difficulties. Law does not contemplate a vacuum and a solution has to be found out rather than allowing the problem to boil over”.

Applying the observations of the Apex Court in the Judgments referred to above on the principle of Doctrine of Necessity, to the facts in the present batch of writ petitions, this Court invoking the said 'Doctrine of Necessity' is of the firm opinion that the subject issue which deals with the fundamental rights of the petitioners to vote, to contest and to be enrolled as members of the 4th Respondent Society needs to be examined, since the said fundamental rights cannot be

infringed in a routine casual callous manner by the Respondents in malafide, discriminatory and arbitrary exercise of their powers, since holding free and fair election is valuable right in a democratic society and if that civil right is denied to a person, this Court cannot lay down its hand on the ground of availability of alternative remedy.

47. This Court opines that the pleas put forth by the learned senior designated counsel appearing on behalf of the 4th Respondent Society defending the action of the 4th Respondent Society and also the pleas put forth by the learned Government Pleader in defending the action of the official respondents herein in passing the orders impugned in the present writ petitions and also in issuing the impugned Election Notification dated 18.03.2026 by the 3rd respondent herein are rejected in view of the discussion and conclusion as arrived at paras 13 to 46 of the present Judgment. The relevance placed by the learned senior designated counsel appearing on behalf of the 4th Respondent Society referring to the Judgments in support of the case of the

respondents do not apply to the facts of the present case since the petitioners herein approached this Court by filing writ petitions in this Court much prior to the issuance of provisional voters list and this Hon'ble Court is seized of the matter having passed directions and the subject issue being subjudice before this Court in W.P.No.29810 of 2024, in WP.No.5171 of 2026, 5194 of 2026, and in C.C.No.650 of 2026.

48. It is relevant here to refer to two Apex Court Judgments on the point that judicial pronouncements are in the setting of the facts of a particular case and they are not to be read as provisions of statute.

(a) The Apex Court in the Judgment in "Indian Oil Corporation Limited through its Senior Manager Vs. Shree Ganesh Petroleum Rajgurunagar through its Proprietor Laxman Dagdu Thite" reported in (2022) 4 SCC 463 in particular para No.58, observed as under:

"58. It is well settled that a judgment of a Court is precedent for the issue of law which is raised and decided. Words and phrases used in a judgment cannot be read in isolation, out of context. To quote the distinguished author V. Sudhish Pai :

“Judgments and observations in judgments are not to be read as Euclid’s theorems or as provisions of statute. Judicial utterances/ pronouncements are in the setting of the facts of a particular case. To interpret words and provisions of a statute it may become necessary for judges to embark upon lengthy discussions, but such discussion is meant to explain not define. Judges interpret statutes, their words are not be interpreted as statutes. Thus, precedents are not to be read as statutes.”

(b) It is also pertinent to refer to the observations of the Apex Court in the Judgment in M/s. Amarnath OM Prakash and Others Vs. State of Punjab and Others reported in (1985) 1 SCC 345 in particular para No.7 is extracted hereunder:

7. That was why Sen J. in Sreenivasa General Traders v. State of Andhra Pradesh (Supra) took immense pains to explain the observations of Untwalia J. and place them in their proper setting. He observed, very rightly indeed:

A case is an authority only for what it actually decides and not for what may logically follow from it. Every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there are not

intended to be expositions of the whole law but governed or qualified by the particular facts of the case in which such expressions are to be found.

In view of the discussion and conclusion as arrived at as above, since the subject issue requires examination in detail in view of the discussion and conclusion as arrived at paras 18 to 48 in the present Judgment, this Court opines that the petitioners are entitled for grant of interim relief pending further orders.

Accordingly, I.A.No.1 of 2026 in W.P.No.8514 of 2026, I.A.No.1 of 2026 in W.P.No.8727 of 2026, I.A.No.1 of 2026 in W.P.No.8728 of 2026, I.A.Nos.1&2 in W.P.No.8745 of 2026 AND I.A.No.1 of 2026 in W.P.No.8748 of 2026, are allowed as prayed for.

List all the above matters on 20.04.2026 for counter of the respondents under the caption "Part-heard".

MRS. JUSTICE SUREPALLI NANDA

Date: 02.04.2026

Yvkr

THE HON'BLE MRS. JUSTICE SUREPALLI NANDA

I.A.No.1 of 2026 in W.P.No.8514
I.A.No.1 of 2026 in W.P.No.8727
I.A.No.1 of 2026 in W.P.No.8728
I.A.Nos.1&2 in W.P.No.8745 of 2026
AND
I.A.No.1 of 2026 in W.P.No.8748
of 2026

Date: 02.04.2026

Yvkr