

Devendra Singh Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Jan-18-2013

Appellant : Devendra Singh

Respondent : The State of Madhya Pradesh

Judgement :

Writ Petition No.674/2013 18.1.2013 Shri Kishore Roy, Advocate, for the petitioners. Shri S.M.Lal, Government Advocate, for the State.

Heard on admission.

By this petition, the petitioners have challenged the election process of Tyondhari Co-operative Society, District Satna.

Section 64 of the Madhya Pradesh Co-operative Societies Act, 1960 (in short the Act.) entitles any party to raise a dispute in connection with the election of any officer of the Society or representative of the Society or of Composite Society.

This is also apparent from Clause V of sub-section (2) of section 64 of the Act.

The petitioners have challenged the election process on various grounds which they can also raise while referring a dispute under section 64 of the Act.

According to the petitioners, their nomination forms have wrongly been rejected by the Returning Officer.

Even this ground can be raised by the petitioners in the election petition.

In Harneek Singh versus Charanjit Singh (2005) 8 SCC 38, the Supreme Court has held that if a remedy of election petition is available, writ petition under Article 226 is not maintainable.

I am, therefore, not inclined to admit this petition.

The petition is accordingly dismissed summarily.

JUDGE ps

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