

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.16317 OF 2011

DATED:10-6-2015

Between:

B. Ranga Rao

and others ... Petitioners

And

The Government of A.P.,

Rep. by its Secretary

Agriculture and Cooperation Department

Secretariat

Hyderabad

and others ... Respondents

COUNSEL FOR THE PETITIONERS: Mr. G.V. Shivaji

COUNSEL FOR RESPONDENT NOS.1 to 3, and 5:G.P. for Co-operation (AP)

COUNSEL FOR RESPONDENT NO.4: Smt. Bobba Vijayalakshmi

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a Mandamus to declare the action of respondent Nos.3 and 5 in seeking to hold elections to respondent No.4 - society without following due procedure under the provisions of the Andhra Pradesh Co-operative Societies Act, 1964 (for short, 'the Act') and the Andhra Pradesh Co-operative Societies Rules, 1964 (for short, 'the Rules').

The petitioners are members of respondent No.4 – society. They feel aggrieved by

the action of respondent Nos.3 and 5 in issuing the election notice fixing 25.6.2011 as the date of election, without including them and various other members in the voters' list on the ground that they have not paid the additional share capital.

At the hearing, Smt. Bobba Vijayalakshmi, learned counsel for respondent No.4, submitted that in view of the interim stay granted by this Court on 17.6.2011, the election as notified did not take place and that the outgoing President is being continued in the management of the society.

The learned Government Pleader for Co-operation (AP) submitted that in view of lapse of four years time, fresh election notice will be issued after allowing all the members of respondent No.4 to pay the additional share capital and based on the revised voters' list, by including all the members who are eligible under Section 25 of the Act read with Rule 18 of the Rules, the election will be held.

In the light of the aforesaid submissions of the learned counsel for the parties, the writ petition is disposed of in the following terms.

Within one month from the date of receipt of this order, respondent No.4 shall inform all its members through a general notice widely published that they shall pay the additional share capital within a prescribed time not exceeding four weeks from the date of notice. Thereafter, he shall prepare the voters' list by including all the members who have paid the additional share capital and satisfy the provisions of Section 25 of the Act and Rule 18 of the Rules. Within four weeks of preparation of such voters' list, respondent No.3 – District Collector shall appoint an Election Officer for holding the elections to the Managing Committee of respondent No.4 and ensure that the whole election process is completed within two months thereafter.

The writ petition is accordingly disposed of.

As a sequel to disposal of the writ petition, W.P.M.P. No.19573 of 2011 and W.V.M.P. No.2443 of 2011 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

10-6-2015

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