

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 28898 of 2015

DATED 8th September, 2015

BETWEEN

V. China Ammatalli Naidu

...Petitioner

And

The State of Andhra Pradesh,
Rep. by its Principal Secretary to Cooperative
Department, Secretariat, Hyderabad and ors.

....Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 28898 of 2015

ORDER:

Heard learned Counsel for the petitioner and learned
Government Pleader for Respondents 1 to 4.

The petitioner is the In-charge President of the fifth respondent-Cooperative Society for which elections were held on 05.02.2013. After constitution of the Managing Committee, the President of the fifth respondent-Cooperative Society submitted his resignation on 15.04.2014 and the fourth respondent issued proceedings on the same day accepting the resignation of the President and also as member of the Managing Committee. Then the petitioner became President of the fifth respondent-Society as he was functioning as Vice President as on the said date by virtue of Rule 23-AAA(2) of the Andhra Pradesh Cooperative Societies Rules, 1964 (for short

‘The APCS Rules’). Thereafter no elections to the vacant post of President were held and in those circumstances, the fourth respondent addressed a letter dated 24.07.2015 directing the petitioner to submit a detailed report with regard to conduct of elections to the post of President of the fifth respondent-Society. The petitioner submitted his explanation. Now election to the post of President of fifth respondent-Society is notified. Challenging said notice for conduct of election to the post of President, the present Writ Petition is filed.

The learned Counsel for the petitioner submits that by virtue of vacancy caused to the post of President, the powers and functions of the President shall devolve on the Vice President and as the petitioner is being continued as President of the Society, the election now sought to be held to the post of President is invalid. This contention of the learned Counsel for the petitioner is under a misconception of law. A reading of Rule 23-AAA(2) of the APCS Rules shows that the powers and functions of the President consequent to his/her resignation shall devolve on Vice-President till election to the post of President is held as per bye-laws. Now election is proposed to be held to the post of President. In the circumstances, I do not see any merit in the Writ Petition.

The Writ Petition is dismissed as the admission stage. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A. RAMALINGESWARA RAO

DATED 8th September, 2015
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