

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

W.A.Nos.885, 889 & 892 OF 2015

COMMON ORDER: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard learned counsel appearing for the parties.

The writ appeals are directed against the common order dated 19.08.2015 in W.P.Nos.25778, 22363 and 26225 of 2015.

The writ appeals are at the instance of Bandaru Janardhan Rao, who is petitioner in W.P.No.25778 of 2015, respondent No.5 in W.P.No.22363 of 2015 and one of the appeals is filed with the leave of the Court.

The appellant herein as petitioner in W.P.No.25778 of 2015 prayed for Mandamus declaring the conduct of election to the Managing Committee of Weavers Cooperative Society, as illegal and contrary to Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act'). The other two writ petitions are filed by unofficial respondents in the other two writ appeals challenging Memo Nos. 8366 & 8367/Pex.2/2015 dated 24.04.2015.

At the outset, we consider it useful to excerpt Memo No.8367/Pex.2/2015 dated 24.04.2015 for narrowing down the controversy.

"GOVERNMENT OF ANDHRA PRADESH

INDUSTRIES AND COMMERCE (TEXTILES) DEPARTMENT

Memo No.8367/Tex.2/2015 Dt.20.4.2015.

Sub: Handloom Industry – Sri Jagadamba Handloom Silk Weavers
Co-operative Society Ltd., Desaipeta, Vetapalem (M), Prakasam
District, Ongole - Certain allegations on Voters List etc. – Reg.

Ref: 1 . District Collector, Prakasam Proceedings No.363/2015/G,
Dt.6-4-2015.

2. Representation of Sri Bandaru Janardhana Rao and others,
Sri Jagadamba Handloom Silk Weavers Cooperative
Society Ltd., Desaipeta, Vetapalem (M), Prakasam
District, Ongole submitted to Hon'ble M (BCW) and
Handlooms received in endorsement number
660/M(BCW)& E, H & (Excise)/15, dated 14.04.2015.

The attention of the District Magistrate and District Election Authority,
Prakasam is invited to the reference 2nd cited (copy enclosed) and he is
informed that it is represented that the admissions in the Sri Jagadamba
Handloom Silk Weavers Cooperative Society Ltd., Desaipeta, Vetapalem (M),
Prakasam District, Ongole are admitted illegally without following the due
procedure. Hence, the operations of the proceedings dated 6.4.2015 issued
vide reference 1st cited is hereby stayed, until further orders.

2. He is also required to enquire into the matter and submit his detailed report
within a fortnight.

S.S.RAWAT

SECRETARY TO GOVERNMENT"

At the time of hearing, it is admitted by all the learned counsel appearing for the
parties that the election notification is issued and the elections are scheduled to be
held on 01.10.2015. For all purposes, the grievances, if any, could be subject matter
of election petition before the competent forum. We have perused the order of
learned Single Judge impugned in the appeal. In our view, the learned Single Judge
has examined the scope of Rule

22-C of the Andhra Pradesh Cooperative Societies Rules, 1964 in right perspective
and passed the impugned common order dated 19.08.2015. No valid ground is
canvassed against the findings recorded by the learned Single Judge. Hence, we
are inclined to dismiss the appeals on this short ground alone.

It is made clear that the dismissal of appeals shall not be understood as expressing
any view on the inclusion of any person as member of Weavers Cooperative Society
or the preparation of electoral roles by the Election Officer. If any election petition is
maintained by the aggrieved party, it is for the competent Tribunal to consider and
adjudicate the disputes.

Writ appeals are, accordingly, dismissed.

Consequently, miscellaneous petitions, if any pending, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V.BHATT, J

Date: 01.10.2015

Lrkm