

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO
WRIT PETITION Nos.27269, 34518, 34538, 34565, 34586, 35131, 35148, 38718,
39016, 39797 of 2014 & 10263 of 2015

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COMMON ORDER:

All these Writ Petitions are heard and are being disposed of by a common order as they arise out of same cause of action.

Learned counsel for the petitioners, learned Government Pleader appearing for the official respondents and Sri K.G.Krishna Murthy, learned Senior Counsel appearing for the unofficial respondents in W.P.No.27269 of 2014, are heard.

It is the common case of the parties that the term of the previous elected body, in respect of the petitioner – Societies, expired on 31.03.2013, and elections have to be conducted before expiry of the term. The District Collector/Election Authority, accordingly, issued a notification on 22.01.2013 fixing the schedule under Rule 22(2)(a) of the Andhra Pradesh Cooperative Societies Rules 1964 (for short 'the Rules'). The schedule reads as under:

Sl.No.	Description	PHASE-I	PHASE-II	TIME
1.	I s s u e of election notice in Form-I and publication of voters list by Election Officer, vide Rule 22(2)(b)(vi) of A.P.C.S. Rules, 1964.	22.01.2013	24.01.2013	-
2.	R e c e i p t of nominations by the Election Officer, vide Rule 22(2)(b)(vii) of A.P.C.S. Rules, 1964.	24.01.2013	28.01.2013	10.00 A.M. to 4.00 P.M
3.	S c r u t i n y of nominations, and publication of list of valid nominations, vide Rule 22(2)(b)(viii) of A.P.C.S. Rules, 1964.	25.01.2013	29.01.2013	10.00 A.M. to till completion

4.	Withdrawal of nominations vide Rule 22(2)(b)(ix) of A.P.C.S. Rules, 1964.	26.01.2013	30.01.2013	U p t o 5.00 P.M.
5.	Publication of the final list of contesting candidates and allotment of symbols vide Rule 22(2)(b)(x) of A.P.C.S. Rules, 1964.	26.01.2013	30.01.2013	A f t e r 5.00 P.M.
6.	Date of poll (in case of contest), vide Rule 22(2)(b)(xi) of A.P.C.S. Rules, 1964.	31.01.2013	04.02.2013	7.00 A.M. to 2.00 P.M
7.	Date of Counting of votes polled, vide Rule 22(2)(b)(xiii) of A.P.C.S. Rules, 1964.	Soon after the completion of polling		
8.	Date of declaration of result, vide Rule 22 (2) (b) (x i i i) of A.P.C.S. Rules, 1964.	Soon after the completion of counting		
9.	Date of election of office bearers, vide Rule 22(2)(b)(xiv) to (xvii) of A.P.C.S. Rules, 1964.	Next day after declaration of result		

Later, the government, by virtue of the powers under Rule 22(c) (1)(iii) of the Rules, ordered postponement of elections to the managing committee by G.O.Rt.No.155, dated 23.01.2013, as a result of which, elections could not be conducted. Thereafter, the election officers were appointed on 04.07.2014, but they could not go ahead with the elections. The District Cooperative Officer, Chittoor, by letter dated 28.07.2014, communicated to the election officers that the elections were postponed on the ground that clarification was sought for from the Commissioner for Cooperation and Registrar of Cooperative Societies, A.P., Hyderabad, regarding bogus voters and to review the list of

voters, as informed by the Hon'ble Minister for Cooperation, and clarification is awaited. Ultimately, no elections could be held to the petitioner – Societies. In those circumstances, the petitioners filed the Writ Petitions challenging the action of the respondents in continuing appointment of persons-in-charge, and in not conducting elections.

A counter affidavit is filed on behalf of the respondents denying the averment that elections are being postponed but stating that they have been implementing the orders of government from time to time. The clarification, from the Commissioner for Cooperation and Registrar of Cooperative Societies, A.P., Hyderabad, regarding bogus voters was awaited, and the issue is having much impact on conduct of free and fair poll. They also stated that as per the note orders of the Election Authority, Chittoor, the elections were postponed.

I have perused the note orders and the said note orders nowhere stated with regard to postponement of elections. A note was put up on the letter of Hon'ble Minister for Cooperation, Government of Andhra Pradesh dated 17.07.2014, regarding voters and the District Collector & Election Authority, by note orders dated 19.07.2014, merely directed to address the Registrar of Cooperative Societies/Principal Secretary. But, strangely, the District Cooperative Officer postponed the elections by communicating to the election officers without specific orders of the District Collector/Election Authority.

In the above circumstances, and view of expiry of the term of the elected body to the petitioner – Societies wayback on 31.01.2013, this Court is inclined to allow the Writ Petitions with a direction to the District Collector/Election Authority, Chittoor, to conduct elections to the petitioner – Societies from the stage where elections were stayed, as per Rule 22 (c)(1)(b) of the A.P. Cooperative Societies Rules, within a period of three months from the date of receipt of a copy of this order.

The Writ Petitions are, accordingly, disposed of.

Miscellaneous petitions, if any, pending in the writ petitions shall stand disposed of. No order as to costs.

Date:15.07.2015
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A. RAMALINGESWARA RAO,J