

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.4354 of 2015

BETWEEN

Ashanna Goud.

... PETITIONER

AND

State of Telangana, Rep. by its Principal Secretary to Government, Revenue
(Excise) Department, Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioner: MR. A. SANTOSH KUMAR

**Counsel for the Respondents: GP FOR PROH. & EXCISE
MR. P. GANGI RAMI REDDY**

The Court made the following:

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ORDER:

Petitioner, who is a member of respondent No.6 – society, questions
the impugned proceedings of the Government in

Memo.No.3043/Ex.II(1)/2015-1 dated 20.02.2015 whereunder the Government entertained the representation of respondent No.7 and others and granted stay of elections, which was scheduled to be held on 20.02.2015 for the respondent No.6 – society and called for a report from the Commissioner of Prohibition and Excise.

2. Learned counsel for the petitioner, *inter alia*, submits that the power of the Government to stay elections is clearly referable to Rule 22-C of the A.P. Cooperative Society Rules and none of the situations, as envisaged under the said provision, exist of the facts and circumstances of the present case. Learned counsel further submits that identical issue was already considered by a Division Bench this Court, to which I am a party, in **KATTA SIVAIAH v. GOVERNMENT OF AP**^[1]. After considering the same rule, it was held in para 14 as follows:

“14. On the face of it, if a grievance arising out of voters list is either with regard to illegal exclusion or inclusion of a voter therein, Section 61(3) of the Act provides for remedy for all such disputes before appropriate Election Tribunal and as per the mandate of sub-section (4) thereof extracted above, such dispute will be entertained only after declaration of result of the election. In other words interdiction of the election process on account of any such dispute is not permissible in view of the object, purpose and scheme under Section 61 of the Act and particularly sub-section (4) thereof. Thus by exercising power under Rule 22-C of the Rules, the mandate of Section 61(4) of the Act cannot be defeated.”

3. The aforesaid decision was further followed by another Division Bench of this Court, to which also I am a party, in WA.No.644 of 2013 and batch dated 15.05.2013. In view of the said decisions, therefore, it is clear that there is no power in the Government in staying the elections once the election process is commenced. The impugned order to the extent of staying the elections, therefore, is set aside.

The election process shall be resumed from the stage at which it was held up but for the impugned order of stay passed by the Government.

The writ petition is accordingly disposed of. As a sequel,
the miscellaneous applications, if any, shall stand closed. There shall be no
order as to costs.

VILAS V. AFZULPURKAR, J

March 25, 2015
DSK

[\[1\]](#) 2013 (4) ALT 265 (DB)