

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 830 OF 2015

Date: 01.09.2015

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Between:

The Antervedi Joint Farming Society,
Rep., by its President,
Antervedi Village, Sakinetipalli Mandal,
E.G. District at Kakinada.

... Appellant

And

B. Ganga Rao
& others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 830 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order, dated 10.06.2015, passed in W.P.No.16317 of 2011, whereby the writ petition filed by respondent Nos.1 to 5, in the instant appeal, has been allowed.

In the writ petition, respondent Nos.1 to 5 sought declaration that the action of respondent Nos.3 and 5, in the writ petition, seeking to hold elections to the appellant society without following the due procedure under the provisions of the Andhra Pradesh Cooperative Societies Act, 1964 (for short, "the Act") and the Rules framed thereunder as illegal.

It appears that in view of the stay granted by this Court on 17.06.2011, the elections did not take place and the outgoing President was continued in the management of the society for all these years. In this backdrop, learned Government Pleader made a statement before learned Single Judge that fresh elections would be conducted after allowing all the members of the appellant society to pay additional share capital and based on the revised voters' list of all eligible members under Section 25 of the Act and Rule 18 of the Rules framed thereunder. This submission of learned Government Pleader was not opposed by the appellant society and as a result thereof, learned Judge issued directions 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.”

No explanation is coming forward as to why the above submission made by learned Government Pleader was not opposed. Keeping that in view and considering the nature of order and having regard to the delay caused in conducting the elections in view of the interim order passed by this Court, we are not inclined to interfere with the impugned order.

Writ appeal is accordingly dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 01.09.2015
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