

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

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WRIT PETITION No.1086 of 2015

Between:

Ganji Naga Prasad

....Petitioner

And

The State of Andhra Pradesh, rep. by its Principal Secretary
(Cooperation Department), Secretariat, Hyderabad and 4 others

....Respondents

DATE OF JUDGMENT PRONOUNCED: 22.07.2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers Yes/No

may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No

Marked to Law Reporters/Journals?

3. Whether His Lordship wishes to Yes/No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.1086 of 2015

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for the respondents 1 to 4 and the learned counsel for the fifth respondent.

2. The petitioner is an elected Director of G.Kothapalli Primary Agricultural Cooperative Society Limited on 31.01.2013. The fifth respondent contested and lost the elections and he filed an Election Petition i.e., O.P.No.9 of 2013 challenging the election of the petitioner before the A.P.Cooperative Tribunal at Vijayawada (for short, the Tribunal). The Election Petition was initially filed to set aside the election of the petitioner and to direct the third respondent to conduct fresh elections. In the said OP, the fifth respondent filed M.P.No.98 of 2014 seeking amendment of the pleadings by deleting the words “to direct the third respondent to conduct a fresh election after following procedure laid down under A.P.Cooperative Societies Act, 1964,” in page 6 and prayer portion which is shown as prayer No.(ii) and insert “to declare me as an elected member of the first respondent society”. The Tribunal allowed the said application, by its order dated 19.09.2014 and the same is challenged in the present Writ Petition.

3. This Court carefully perused the impugned order passed by the Tribunal. The Tribunal considered the rival contentions and allowed the amendment petition as follows:

“ ... Considering the above, whatever may be the 2nd relief claimed by the Petitioner, it has to be considered in case there were irregularities in conducting the election and the Petitioner proves that the election is null and void and consequently if it is set aside. In case the Petitioner is entitled for the 1st relief, then granting of other reliefs will be considered at the time of disposal of the main election petition. In those circumstances the Petitioner is permitted to amend the petition. The point is answered in favour of the Petitioner.”

4. The learned counsel for the petitioner submits that by virtue of allowing the amendment petition, the rights of the petitioner/elected candidate are affected, as it will have a bearing on main relief (first relief) sought in the Election Petition. This Court is not inclined to accept the said submission. The Tribunal had properly considered the effect of the amendment while allowing the said petition. The Tribunal observed that in case the petitioner before it was entitled for the first relief, then granting of other reliefs would be considered at the time of disposal of the main Election Petition. By allowing the amendment petition does not mean that the relief sought for in the amendment petition is allowed.

5. In the circumstances, I do not see any ground to interfere with the order passed by the Tribunal in M.P.No.98 of 2014 in O.P.No.9 of 2013 dated 19.09.2014 and therefore, the Writ Petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 22.07.2015

TJMR

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