

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16071 of 2016

ORDER:

Heard Mr.K.Chidambaram, learned counsel for the petitioner, learned Government Pleader for respondent Nos. 1 to 4 and Mr.N.Jayasurya, learned Standing Counsel for respondent No.5.

The petitioner challenges proceedings in Rc.No.1185/2016/BVRM/F, dated 01.05.2016, of respondent No.2 as illegal and unconstitutional, more particularly when the issue was seized by the A.P. Cooperative Tribunal in O.A.No.46 of 2016.

This Court on 12.05.2016 passed the following interim order:

“Heard Sri K.Chidambaram, learned counsel appearing for the petitioner, learned Assistant Government Pleader for Co-operation and Smt. Bobba Vijayalakshmi, learned counsel for respondent No.5.

Learned counsel appearing for the petitioner submits that the parties have made detailed submissions by reference to the order dated 31.03.2016 in W.P.No.9533 of 2016.

Smt. Bobba Vijayalakshmi appearing for the Society has drawn attention of this Court to Section 115-D (16) of the A.P. Co-operative Societies Act, 1964, read with Rule 22 of the A.P. Co-operative Societies Rules, 1964 and contended that the impugned notification complies with the statutory requirements and she may be given time to file the counter affidavit. Similar request is made on behalf of the learned Assistant Government Pleader as well.

Keeping in mind the positive direction issued by this Court on 31.03.2016 and to balance the competing interest of the petitioner, fifth respondent and the persons interested in contesting the election, I am of the view that the following interim order can be passed.

The elections scheduled to be held on 21.05.2016 can be proceeded with and respondent Nos.2 to 4 are directed not to count the votes or declare the result.”

The respondents have filed petitions to vacate the interim order, dated 12.05.2016.

The primary objection against the continuation of writ petition as well as interim order is that on 09.09.2016, O.A.No.46 of 2016 was dismissed and the petitioner aggrieved by the order, dated 09.09.2016, has already filed W.P.No.32454 of 2016.

Since the substantive issue is to be considered in W.P.No.32454 of 2016, the complaint of the petitioner against impugned proceedings, when the O.A. was pending is not available as on date.

Counsel for petitioner does not dispute the circumstances referred to above.

Having regard to the subsequent developments in the matter, the writ petition is dismissed and the interim order, dated 12.05.2016, is vacated.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

S.V.BHATT,J

Dt:10.11.2016

kdl

