

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos.15399 OF 2015; 20137 AND 42468 OF 2018

Date:10.12.2018

W.P.No.15399 of 2015

Between:

The Managing Committee, the Ongole
Tobacco Processing and Marketing
Cooperative Society, rep., by its
President, Smt. N. Jhansi Lakshmi,
Ongole and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary to Government,
Agriculture and Cooperation Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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COMMON ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Cooperation.

2. The tenure of the elected body in the Elections held in the year 2013 to the posts in the Managing Committee of the Ongole Tobacco Processing and Marketing Cooperative Society is five years. Vide proceedings dated 05.05.2015 the elections held to the Managing Committee were cancelled and person in-charge of the Society was appointed. W.P.No.15399 of 2015 is filed by the Managing Committee of the Society challenging the said decision.

3. This Court, by order dated 04.06.2015, directed the parties to maintain *status quo* with regard to the appointment of the person in-charge, as it was stated that said person-in-charge did not take charge as on that day. The said order was continued until further orders. It is stated that pursuant to the interim order, the elected members of the Managing Committee continued with their duties and responsibilities. Tenure of the then Managing Committee came to an end on 01.08.2018.

4. In view of the completion of the tenure, even otherwise, the cause in the Writ Petition does not survive and W.P.No.15399 of 2015 is accordingly disposed of.

5. During the pendency of W.P.No.15399 of 2015, the Society filed W.P.No.20137 of 2018 challenging the proceedings of the Divisional Cooperative Officer, Ongole, dated 01.06.2018, rejecting

the request of the Society to conduct elections. The reason assigned for rejection of said request was that *status quo* order granted by this Court in W.P.No.15399 of 2015 is operating and during subsistence of the said *status quo* order, no elections can be conducted.

6. W.P.No.42468 of 2018 is filed by the President of the Society challenging proceedings dated 09.11.2018 appointing the person in-charge of the Society.

7. It is not in dispute that the tenure of the existing body elected for the Managing Committee in the year 2013 came to an end on 01.08.2018. Apparently, before completion of the tenure, no elections are held. Ordinarily, the Managing Committee cannot be continued beyond the period of tenure.

8. Section 32 (7) of the Andhra Pradesh Cooperative Societies Act, 1964 (for short, 'the Act') vests power in the Registrar to appoint a person or persons to manage the affairs of the Society for a period not exceeding six months which can be extended further. In view of the power vested in Section 32 (7) of the Act, it cannot be said that the appointment of the person in-charge after completion of tenure of the existing Managing Committee is illegal or amounting to arbitrary exercise of power.

9. However, learned counsel for the petitioners would submit that having regard to the objective of the cooperative movement and establishment of cooperative societies, the members of the outgoing Managing Committee should also be part of the administration of the Society and in the best interests of the

Society, all or atleast one of the members of the Managing Committee should assist the person in-charge for smooth run of the affairs of the Society. Though initially learned counsel for the petitioners submitted that the President and Vice President should represent the Managing Committee, however, he would submit that petitioners reconciled to agree to suggest the name of existing Vice President Sri T. Brahmananda Reddy to assist the person in-charge.

10. On instructions, learned Government Pleader also submits that the Government has no objection to consider the request of outgoing Managing Committee to appoint its representative, the Vice President of the outgoing Managing Committee to assist the person in-charge. However, learned Government Pleader seeks leave of the Court to grant liberty to the Government to appoint one more person to look after the affairs of the Society until the elections are held.

11. Having regard to the submissions made, the Deputy Registrar of the Cooperative Societies, Ongole, Prakasam District, is directed to nominate outgoing Vice President Sri T. Brahmananda Reddy to assist the person in-charge appointed vide proceedings dated 09.11.2018. It is open to the Deputy Registrar to nominate any other person to be part of a Committee to look after the day-to-day affairs of the Ongole Tobacco Processing and Marketing Cooperative Society.

12. As the existing body's tenure was over by 01.08.2018, the respondents are directed to take steps to hold elections to the Managing Committee of the Society as expeditiously as possible

preferably within three months from the date of receipt of a copy of the order.

13. Accordingly, W.P.Nos.20137 and 42468 of 2018 are disposed of. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:10.12.2018

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