

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

W.A.No.1605 OF 2018

&

W.P.Nos.35757, 35771, 35775, 41869, 41905 & 41952 OF 2018

COMMON JUDGMENT: *(Per the Hon'ble Sri Justice S.V.Bhatt)*

Heard Mr.K.V.Bhanu Prasad for writ appellants, Mr.L.Ravi Chander, the learned Senior Counsel, Mr.K.S.Murthy for writ petitioners, and the learned Government Pleader for Animal Husbandry.

On 13.12.2018, after hearing the learned counsel appearing in W.A.No.1605 of 2018 and taking note of pendency of a few writ petitions on the very same subject, we directed the Registry to post the companion writ petitions for disposal. The learned Government Pleader, on 14.12.2018, was directed to get instructions on the shortest time frame within which the elections for the pending district bodies of the Andhra Pradesh Sheep and Goat Development Cooperative Federation Limited could be conducted in accordance with law and thereby paving way for conduct of elections to the State of Apex Body. The counsel consented to disposing of the batch by placing on record the stand now stated by the Government Pleader for Animal Husbandry in W.A.No.1605 of 2018 for and on behalf of respondent Nos.2 to 7. For the above said purpose, we are of the view that reference to the circumstances leading to filing of W.A.No.1605 of 2018 would be sufficient for disposing of entire batch of cases.

Third parties to W.P.No.41869 of 2018 are the appellants. The writ appeal is directed against the interim order dated 19.11.2018 and the operative portion reads thus:

“Having regard to the order passed by this Court in W.P.No.35775 of 2018, wherein this Court directed to stay the proceedings of the second respondent therein with regard to holding of elections to District Body without holding elections to Primary Body, but, however, permitted the authority for holding of elections to the Primary Body, prima facie the impugned proceedings holding of the elections to the State Body without holding elections to Primary and District Bodies appears to be incorrect. Hence, there shall be interim stay as prayed for, until further orders”.

The case of appellants is that a Division Bench by order dated 10.05.2018 disposed of W.A.No.753 of 2018 and W.P.No.15309 of 2018. Through the instant order, the Director of Animal Husbandry-cum-Functional Registrar, Andhra Pradesh Sheep and Goat Development Cooperative Federation Limited, Guntur, Amaravati, Vijayawada was directed to conduct elections for the post of Chairman of Andhra Pradesh Sheep and Goat Development Cooperative Federation Limited, Guntur i.e., the Apex Body within three months from the date of receipt of copy of order dated 10.05.2018. The Director of Animal Husbandry-cum-Functional Registrar, Andhra Pradesh Sheep and Goat Development Cooperative Federation Limited, Guntur and two others filed I.A.No.2 of 2018 seeking extension of time for conduct the elections on 11.09.2018. The request of Director was favourably considered and time was extended by two more months from 11.09.2018 to conduct elections for the post of Chairman of the Federation.

The undisputed fact is that the Director, Animal Husbandry, Veterinary Super Specialty Hospital Premises, Labbipeta, Vijayawada/4th respondent could not comply with the direction issued by this Court. The writ petitioners have filed the instant writ petitions challenging the steps initiated by the Director of Animal Husbandry-cum-Functional Registrar, Andhra Pradesh Sheep and Goat Development Cooperative Federation Limited, Guntur to conduct elections to the posts of Chairman and Vice Chairman of A.P. Sheep and Goat Development Cooperative Federation Limited, Guntur, without conducting elections at the District Level to Kumool and Vizianagaram Districts.

The Federation has three tier democratic participation i.e., Mandal, District and Apex level participation by the elected representatives of the constituents of the Federation. In the companion writ petitions, through the interim orders passed in those writ petitions, the conduct of elections to the post of Chairman is stayed by this Court. Thus, giving a ground to the official respondents not to comply with the orders passed on 10.05.2018 and 11.09.2018. The appellants/third parties, under these circumstances, challenge the interim order granted in the writ petition by contending that the interim order is contrary to the directions issued by this Court on 10.05.2018 and 11.09.2018. Therefore, two distinct orders are operating in respect of elections for the post of Chairman/Vice Chairman of the Federation. Now, reverting back to the instructions received by the Government Pleader for Animal Husbandry, we note that the Director of Animal Husbandry-cum-Functional Registrar, Andhra Pradesh Sheep and

Goat Development Cooperative Federation Limited, Guntur, requests five months time from today to conduct elections for Kurnool and Vizianagaram districts and thereafter conduct elections for district bodies and for the Federation.

The request of the Director since is contrary to the directions issued by this Court on 10.05.2018 and 11.09.2018, we are not persuaded to accede to the request of Director. However, keeping in view the statement made by the Director for at least now completing the elections to the Federation, the writ appeal and the writ petitions can be ordered as follows:

The Director of Animal Husbandry-cum-Functional Registrar, Andhra Pradesh Sheep and Goat Development Cooperative Federation Limited, Guntur is directed to complete elections for the primary societies in the districts of Kurnool and Vizianagaram within 50 days from today. Within a further period of three weeks, the elections to the District Union are completed and within a further period of two weeks elections to the State Federation are completed. The Director is under obligation to file an affidavit before the Registry firstly to conform to the schedule now directed by this order and secondly report compliance after completing the elections for Chairman of the Federation, to the Registrar General, High Court. We make the following order, on the one hand, to avoid delay in conducting the elections and, on the other, appreciating the genuine difficulty of the Director of Animal Husbandry-cum-Functional Registrar, Andhra Pradesh Sheep and Goat Development Cooperative Federation Limited, Guntur in conducting elections within the extended time granted by this

Court on 11.09.2018. The deviation from anyone of the directions could be treated as failure on the part of Director in complying with the undertaking given to the Court and suitable action will be initiated in accordance with law.

The writ appeal and writ petitions are, accordingly, ordered as indicated above. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

17th December, 2018

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CC forthwith to the
GP for Animal Husbandry

