

**HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND**

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL Nos.1341 AND 1345 OF 2018

COMMON JUDGMENT (ORAL): (Per Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned Advocate General for the State of Andhra Pradesh and the learned counsel appearing for the contesting respondents.

2. These Writ Appeals are against the interlocutory order passed in W.P. Nos. 30238 and 32499 of 2018, respectively, instituted by the respective writ petitioners. The sum and substance of these writ petitions is that certain District Cooperative Central Banks (for short 'DCCBs') are now put under the administrative control of the District Collectors after having permitted the last available elected committees to continue after their term, pending the election to the committees of those cooperative societies, the electoral college for which consists of middle level societies.

3. The Primary Agricultural Cooperative Societies form the electoral college to the middle level societies from whom there will be a further election to the State level society. This three-tier system will come to a standstill if elections are not held in time.

4. While the thrust of the writ petitioners' grievances is the so-called appointment of the District Collectors to be in administration of some of the societies, we see that the learned single Judge has

considered the material facts and has applied the relevant judicial precedents to hold that this is not a case where the Government should have brought in the societies to be under the control of the District Collectors, the learned Advocate General points out that the State did not have the opportunity to place materials on record before the learned single Judge, and that the materials would indicate that there is no element of *mala fides* in exercise of executive power by the Government. He says that the term of the committees in office expired sometime in February and the impugned action was taken only months thereafter, after an initial extension was granted for a period of six (6) months. He attributes the action taken to be one relying on the report of National Bank for Agriculture and Rural Development (for short 'NABARD') which is the funding agency. He also says that, ultimately, the compliance reports by the District Societies were turned down by the NABARD. This submission is disputed by the learned counsel for the writ petitioners before us. We also record the submission of the learned Advocate General that when the matter was heard by the learned single Judge, the State Government advocates were not in possession of the NABARD final report to be presented before the learned single Judge.

5. In view of what have been stated above, we are of the view that this is not a case where an interlocutory order needs to be interfered through an intra Court appeal having regard to the quality of intra Court jurisdiction under the Letters Patent. We make this particular observation because even if the situation is one where the State could have been given a further opportunity to place its pleadings on record,

the impugned orders disclose fair application of mind and advertence to the materials and facts placed before the learned single Judge while the impugned order was issued.

6. Having regard to aforesaid, we order these Writ Appeals directing that the appellants, if so advised, may move an appropriate application for vacating the impugned order by seeking such relief before the learned single Judge and the learned single Judge would sympathetically consider any request for early consideration and disposal of such application. We clarify that the learned single Judge will proceed with the matter in the light of what we have stated hereinabove; however that, we have not made any observation binding the parties finally on any aspect of the matter. We reiterate the request of the learned Advocate General that the matter may be given top priority by the learned single Judge, if any vacate stay application is filed.

7. These Writ Appeals are ordered accordingly. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in these Writ Appeals stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

S.V. BHATT, J

November 5, 2018.
PV