

**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**AND**

**HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**Writ Appeal No.512 of 2022**

**ORDER:**

*(per Hon'ble Sri Justice U. Durga Prasad Rao)*

Heard Sri M. Ancha Panduranga Rao, learned counsel for the petitioners/appellants, learned Government Pleader for Cooperation representing respondents 1 to 5, Sri Challa Siva Shankar representing the respondent 6 and Sri K. Sridhar Murthy, learned counsel for the respondents 7 and 8. Notice is yet to be ordered to unofficial respondent 9.

2. Impugning the order dated 29.05.2022, learned counsel for the petitioners would mainly project two points which were already canvassed before the learned Single Judge. Firstly that the appointment of the 9<sup>th</sup> respondent herein as the Election Officer (6<sup>th</sup> respondent) is against law i.e., Rule 22(2) of the A.P. Cooperative Societies Rules, 1964 read with Section 30 of the A.P. Cooperative Societies Act, 1964 and therefore he is not legally authorised to conduct election on 31.05.2022 of the 8<sup>th</sup> respondent – Society. Secondly that the final voters list of the 8<sup>th</sup> respondent – Society has not been prepared so far in which case conducting election will be a mockery of the entire election process.

3. Learned Government Pleader for Cooperation also supports the argument of the learned counsel for the petitioners and additionally she brought it to the notice of the Court that in Writ Appeal No.159 of 2022, the present Election Officer herein was directed to file an affidavit as to

whether after the draft voters list which was prepared on 31.03.2020, any other voters list has been prepared for the ensuing elections and posted the matter after Summer Vacation, 2022, and as per her information, final voters list has not been prepared yet.

4. Refuting the same, Sri Challa Siva Shankar, learned counsel for the 6<sup>th</sup> respondent, would submit that so far he has not received the papers relating to the Writ Appeal and that apart, as per the telephonic information provided to him by the 6<sup>th</sup> respondent at about 06.00 P.M. today, the 6<sup>th</sup> respondent is going to conduct election tomorrow as scheduled as per the directions in the common order in W.P.Nos.9252, 9557 and 15400 of 2021, dated 07.01.2022. Learned counsel fairly submitted that he has not received any further information with regard to the aspect of preparation of the final voters list. However, he would submit that his party requests him to obtain time for filing a detailed counter in the Appeal.

5. Heard.

6. So far as the contention of the petitioners/appellants about the validity of the appointment of the 6<sup>th</sup> respondent is concerned, a perusal of the impugned order would show that the learned single Judge having observed that in the common order in W.P.Nos.9252 of 2021 and batch, it was observed that the subject society was not receiving any aid from the State in terms of Section 43 of the Act and therefore *prima facie* the impugned proceedings, dated 19.05.2022, appointing the 6<sup>th</sup> respondent as the Election Officer is a valid one and also further observing that in the

light of the contentions taken by the petitioners, it requires a detailed examination and then directed the respondents to file detailed counters by meeting the specific allegations made in the petition. Since the validity of the appointment of the 6<sup>th</sup> respondent is under consideration before the learned single Judge, it is not apt for us at this juncture to make any comment.

7. So far as the second ground raised by the learned counsel for the petitioners is concerned, learned counsel for the 6<sup>th</sup> respondent, though by virtue of the information received by him, assures the Court that the 6<sup>th</sup> respondent is going to conduct the election in accordance with the procedure as directed in the common order, however, is not able to furnish any information at this juncture with regard to the preparation of the final voters list. The election is scheduled to be held on tomorrow and there is no sufficient time to get the clarification as to the preparation or non-preparation of the final voters list.

8. In the above circumstances, we are of the considered view that as opined by the learned single Judge, the election as scheduled on 31.05.2022 can go on. However, since the two important aspects touching the very validity of conduction of the elections are pending consideration, it is not apposite to permit the Election Officer to declare the results immediately after election.

9. Accordingly, while permitting the 6<sup>th</sup> respondent to hold the election on 31.05.2022 of the 8<sup>th</sup> respondent – Society, however, he is directed not to declare the results for a period of eight weeks. In the meanwhile, the

respondents shall file their counters and material papers in W.P.(SR).No.20620 of 2022 and in view of the urgency involved in the matter, we request the learned single Judge to take up W.P.(SR).No.20620 of 2022 for hearing expeditiously. As observed supra, in view of the urgency, the Writ Petition shall be listed on 20.06.2022 instead of 15.07.2022 before the learned single Judge. Depending upon the exigencies in the matter, learned single Judge can pass orders with regard to the declaration of the results of the election of the 8<sup>th</sup> respondent – Society.

10. With the above observations, this Writ Appeal is disposed of.

.

---

**U. DURGA PRASAD RAO, J**

---

**VENKATESWARLU NIMMAGADDA, J**

Date: 30.05.2022

**Note:** Learned counsel for the respondents 6 to 8 are requested to communicate the order to the respondents 6 to 8.

B/o  
AKN

**HON'BLE SRI JUSTICE U. DURGA PRASAD RAO**

**AND**

**HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT APPEAL NO.512 of 2022**

Date: 30.05.2022

AKN