

APHC010242122013



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3460]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 14000 OF 2013

Between:

1. PHANIDEM PRIMARY HANDLOOM WEAVERS, CO-OP SOCIETY LTD., REP. BY ITS PRESIDENT SHRI. KATTA SHIVA DURGA RAO, S/O. SHRI. KANTHA RAO, AGED ABOUT 52 YEARS, SATTENAPALLI, NEAR RAILWAY GATE, WARD-1, GUNTUR DISTRICT.
2. PHIRANGIPURAM MAHATHMAGANDHI PRIMARY HANDLOOM, WEAVERS CO-OP SOCIETY LTD., PHIRANGIPURAM, REP. BY ITS PRESIDENT SHRI. PASALA THOMAS, S/O. P. ENNAIAH, AGED ABOUT 51 YEARS, KOTHAPET, RAILWAY STATION ROAD, WARD NO. 13, PHIRANGIPURAM, GUNTUR DISTRICT.
3. THE ANDHRA KESARI WEAVERS CO-OPERATIVE SOCIETY LTD., REP. BY ITS PRESIDENT, SMT. MACHARLA VENKATA SUBBAMMA, W/O. SHRI. HEMASUNDER KOTESWARA RAO, AGED ABOUT 63 YEARS, ILAVARAM, BHATTAPROLU MANDAL, GUNTUR DISTRICT.

...PETITIONER(S)

AND

1. THE GOVERNMENT OF ANDHRA PRADESH, REP. BY ITS DIRECTOR OF HANDLOOMS & TEXTILES APPAREL EXPORT PARKS, ANDHRA PRADESH, HYDERABAD
2. THE ASSISTANT DIRECTOR, HANDLOOMS & TEXTILES APPAREL EXPORT PARKS, NEHA BAZAR, NEAR DARLA STREET, NEAR A.C. COLLEGE, GUNTUR
3. THE COLLECTOR DISTRICT MAGISTRATE, DISTRICT ELECTION AUTHORITY, GUNTUR, GUNTUR DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order or direction more particularly in the nature of Writ of Mandamus, declaring the action of the Respondents in withholding the elections to the petitioners Societies vide Proceedings in Rc.No.2257/2012-E, dt.18.04.2013 as illegal, arbitrary, discriminatory and unsustainable and consequently set aside the same by directing the Respondents to proceed further with the elections as per the schedule fixed and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.

IA NO: 1 OF 2013(WPMP 17107 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Proceedings in Rc.No.2257/2012-E, dt.18.04.2013 of the 3rd Respondent pending disposal of the above writ petition and pass such other order or orders as the Hon'ble may deem fit and proper in the circumstances of the case and in the interest of justice.

IA NO: 2 OF 2013(WPMP 17108 OF 2013)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to continue the outgoing members of the Managing Committee of the Petitioners Society as persons-in-charge of the Committees pending disposal of the above writ petition and pass such other order or orders as the Hon'ble may deem fit and proper in the circumstances of the case and in the interest of justice.

IA NO: 1 OF 2017(WVMP 4546 OF 2017)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders dated.30.04.2013 in WPMP No.17108of 2013 in W.P.No.14000 of 2013

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

implead the proposed respondents no.4 and 5 in wp no 14000 of 2013 as respondents no 4 and 5 and pass

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the order dt 30.04.2013 in WP MP no 171080 2013 in WP no 14000 of 2013 and pass

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the petitioner as 4th respondent in Writ Petition No.14000 of 32013 and the other miscellaneous petitions

Counsel for the Petitioner(S):

1.AKULA KISHAN

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR INDUSTRIES COMMERCE (AP)

3.GP FOR INDUSTRIES & COMMERCE

The Court made the following:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**WRIT PETITION NO: 14000 OF 2013****ORDER:-**

The present Writ Petition is filed questioning the action of the Respondents in withholding the elections to the Petitioners Societies, vide Proceedings in Rc.No.2257/2012-E, dated 18.04.2013 as illegal and arbitrary.

2. The Petitioners are Weavers Co-Operative Societies, registered under the provisions of Andhra Pradesh Co-operative Societies Act, 1964. The term of Managing Committee was completed in May-2013 and Respondent No.3 being the election authority has appointed the election officer on 19.03.2013 and issued election notification. While the election process viz., preparation of list of voters list, inviting objection by the CEO and finalization of voter's list, handing over the list of members eligible to vote and scrutiny was going on, the Respondent No.3 issued proceedings, vide Rc.No.2257/2012-E, dated 18.04.2013 has instructed to withhold the elections and to hand over the records of the society.

3. The Respondents No.1 and 2 filed Counter-Affidavit stating that the Director of Handlooms and Textiles and AEPs were informed to conduct elections to the Managing Committees of Primary Handloom Weavers Cooperative Societies, and which persons in-charge / Administrators are still being continued and also to the societies in which the term of the Managing Committee is expired or schedule to expire, duly following the procedure as contemplated under Andhra Pradesh Co-operative Societies Act, 1964 (for

brevity 'the Act') with the approval of District Collector's concerned, vide Memo Rc.No.3346/2013 F2, dated 07.01.2015. It is further stated that the Assistant Director of Handlooms and Textiles, Guntur will take necessary action for conduct of elections of the Primary Handloom Weavers Co-operative Societies to which persons in-charge/ Administrators are being continued.

4. Learned counsel for the Petitioners would submit that though the Counter-Affidavit was filed in month of October, 2017, no elections were conducted to the Petitioners/ Societies.

5. Learned Government Pleader for Industries and Commerce for the Respondents would submit that the Respondents will take necessary steps to conduct elections in terms of Counter-Affidavit.

6. Heard learned counsel for the Petitioners and learned Government Pleader for Industries and Commerce for the Respondents.

7. In the instant case, the term of the Weavers Co-Operative Societies Managing Committee came to an end in the month of May, 2013 and the Societies are now being managed by persons in-charge. As per Section 32(7)(a)(i) of 'the Act', the persons/ person-in-charge can be appointed in cases where the elections could not be conducted for a period of six months and for valid reasons would be extended up to 3 years, but not beyond that. The Section 32(7)(a)(ii) of 'the Act', enables the government to extend the

term of the persons/ persons-in-charge up to 5 years for special reasons, but not beyond.

8. Section 32(7)(a)(i) and (ii) of 'the Act' is reproduced hereunder:

.....

(7)[(a)(i)] If there is no committee or in the opinion of the Government or, the Registrar, it is not possible to call a general meeting for the purpose of conducting election of members of the committee, the Government, in respect of such class of societies as may be prescribed and the Registrar in all other cases may appoint a person or persons to manage the affairs of the society for a period not exceeding six months and the Government may, on their own and the Registrar with the previous approval of the Government, extend, from time to time, such period beyond six months, so however that the aggregate period include the extended period if any, shall not exceed 3 [three years].

[(ii) Notwithstanding anything contained in this Act, in the special circumstances and for the reasons to be recorded, if in the opinion of the Government, it is not possible to hold the elections to the societies or class of societies, the Government may by order extend the term of the person or the persons appointed to manage the affairs of the society or class of societies beyond three years but not exceeding five years in aggregate.]

9. In either cases, there cannot be any justification for not conducting elections beyond the period of five (05) years and the continuance of the persons and persons –in-charge beyond the period is unsustainable and the elections are bound to be conducted.

10. It is to be noted that even as per the Counter-Affidavit filed on behalf of Respondent No.1, the elections were directed to be conducted immediately. Therefore, there is no justification on the part of the Respondents in not conducting elections to the Petitioners Societies.

11. In that view, the Writ Petition is disposed of, while directing the Respondents to initiate steps to conduct elections to the Petitioners Societies as expeditiously as possible. There shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.

NYAPATHY VIJAY, J

Date: 19.02.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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19.02.2026

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