

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA, CHIEF JUSTICE

&

HON'BLE MR. JUSTICE D.V.S.S. SOMAYAJULU

WRIT APPEAL No.518 of 2022

(Through physical mode)

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Animal Husbandry, Dairy Development and
Fisheries Department at Secretariat, Velagapudi,
Amaravathi, Guntur District, and others.

.. Appellants

Versus

Vajrala Srinivasulu S/o. V. Sessaiah,
Aged 40 years, R/o. Kaluvoy Village and
Mandal, SPSR Nellore District, and others.

.. Respondents

Counsel for the appellants : GP for Fisheries

Counsel for respondent No.1 : Mr. K. Rathangapani Reddy

ORAL JUDGMENT

Dt: 14.06.2022

(per Prashant Kumar Mishra, CJ)

This writ appeal is preferred challenging the common order dated 26.04.2022 passed by the learned single Judge in W.P.Nos.29802 of 2021 and 13396 of 2019, insofar as it relates to W.P.No.29802 of 2021.

2. W.P.No.29802 of 2021 was preferred by the 1st respondent herein challenging Memo No.713/B/2021 dated 04.08.2021 issued by the Joint Director of Fisheries/Additional District Election Authority, SPSR Nellore District, postponing the elections to the Kaluvoy Fisherman Cooperative Society Limited, Kaluvoy Village and Mandal, notified vide orders of the District Collector & District Election Authority, SPSR Nellore District, dated

23.07.2021 in File No.713/B/2021, until further orders. By the order under appeal, the learned single Judge has allowed the writ petition, by setting aside the Memo impugned and directing the respondents to complete the election process as per the notification dated 23.07.2021 with the same nominations and voters list, within a period of six weeks from the date of receipt of a copy of the order.

3. Having heard the learned counsel for the parties and on due consideration, we are of the considered opinion that the learned single Judge is absolutely justified in setting aside the Memo dated 04.08.2021 for the simple reason that the said Memo does not furnish any legally sustainable reason for indefinite postponement of the elections. It is well settled principle that once the election process has begun, it should not be postponed or stalled unless there are sound and tenable grounds. Thus, we are not inclined to interfere with the order of the learned single Judge in setting aside the Memo dated 04.08.2021.

4. However, learned counsel on either side would jointly submit that the learned single Judge has directed to complete the election process with the same nominations, but as on the date of issuance of the Memo dated 04.08.2021, nominations were not filed. That being the position, it would be appropriate to modify the direction of the learned single Judge in that regard.

5. Accordingly, while affirming the order of the learned single Judge in setting aside the Memo dated 04.08.2021, we direct that the election process shall be continued from the stage in which it was positioned as on 04.08.2021 when the Memo impugned in the writ petition was issued, and the same shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above, the writ appeal stands disposed of. No costs.
Pending miscellaneous applications, if any, shall stand closed.

PRASHANT KUMAR MISHRA, CJ

D.V.S.S. SOMAYAJULU, J

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