

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)
SATURDAY, THE TWENTY FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY ONE



:PRESENT:
THE HONOURABLE SRI JUSTICE K.SURESH REDDY

WRIT PETITION (SR) NO: 29045 OF 2021

Between:

Akkala Thirumalanath S/o A Hanumathaiah, Age 52 years, Occ: Chairman of District Livestock Development Association, Tirupati, Chittoor District R/o East AAW, Karvetinagaram Village Post and Mandal, Chittoor District, A.P.

... Petitioner

And

- 1.The State of Andhra Pradesh Rep by its Principal Secretary Animal Husbandry Dairy Development and Fisheries Department, Secretariat at Velagapudi, Amaravati, Guntur District.
- 2.The Chief Executive Officer, A.P. Livestock Development Agency, Guntur, A.P.
- 3.The District Collector, Chittoor District
- 4.The Executive Officer, District Livestock Development Association, Tirupati, Chittoor District.
- 5.The Election Officer, The District Livestock Development Association, Tirupati, Chittoor District.

... Respondents

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 an appropriate writ or order or direction preferably one in the nature of a Writ of Mandamus declaring the action of the respondents, especially the action of the 5th Respondent has issued fresh election notification dt. 12-08-2021 despite the interim direction was granted by the Hon'ble High Court as **'election that is to be conducted pursuant to the election notification dt. 21-06-2021 will be subjected to the result of writ petition** on 07.07.2021 in the same subject matter is pending in W.P. No 13184 of 2021 is coming under res subjudice until neither cancel the notification nor Submit to the Hon'ble High Court for granting leave to for such issue and also 3rd respondent not considering to extending the tenure of the existing Executive Committee including the chairman for a future period of five (5) years terms of G.O. Ms No 2 dt 05-02-2014 Animal Husbandry dairy development & Fisheries (A.H. III) Department dated 05-02-2014 and respondent Lr. No 1504/T5 /20220 dt 28-05-2021 discriminatory and violative of Articles of 14 & 19 of the Constitution of India as illegal, arbitrary and against all settled principles of law and also against the principles of natural justice and consequently direct to suspend the operation of the order of 3rd respondent and to act as per the said G.O. Ms.No. 2, in the interest of justice.

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 direct the respondents to continue the previous body of the District Live Stock Development Association, Tirupati, Chittoor District pending disposal of the writ petition and also to stay of the operation of the 5th respondent is issued notification dt. 12.08.2021, pending disposal of above Writ Petition on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Smt. Kalla Tulasi Durgamba, Advocate for the Petitioner and of GP FOR Animal Husbandry, appearing for respondents No. 1, 2, 4 and 5 and of GP for Revenue, for the Respondent No.3 and the Court made the following:

ORDER

"Taken up through video conferencing"

"The present writ petition is moved by way of house motion and the Honourable the Chief Justice allotted the same to me.

The writ petition is taken up for admission through video conferencing on this day at 9 p.m.

Heard Smt. Kalla Tulasi Durgamba, learned counsel appearing for the petitioner; learned Government Pleader for Animal Husbandry appearing for respondent Nos. 1, 2, 4 and 5; and learned Government Pleader for Revenue appearing for respondent No. 3.

As seen from the record, earlier the petitioner along with others filed W.P.No. 13184 of 2021 before this Court seeking similar relief. After hearing both sides, this Court on 07-07-2021 passed the following order:

*"Notice before admission returnable in two weeks.
Learned Government Pleader takes notice for respondent No. 1.
Learned counsel for the petitioner is permitted to take out personal
Notice on respondents 2 to 5 by RPAD and file proof of service.
The election that is to be conducted pursuant to the election
notification dated 21-06-2021 will be subject to result of the writ petition.
List the matter on 04-08-2021."*

Subsequently, respondent No. 5 issued the present election notification on 12-08-2021 for conducting election to the District Executive Committee on 26-09-2021. As this Court has already passed *interim* orders as indicated above in W.P.No. 13184 of 2021, this Court feels that the same order can be passed in the present writ petition also.

In that view of the matter, the election that is to be conducted pursuant to the election notification dated 12-08-2021 will be subject to the result of the present writ petition.

Post this writ petition along with W.P.No. 13184 of 2021.

In the meanwhile, the respondents are directed to file their counters."

//TRUE COPY//

ASSISTANT REGISTRAR
P. Rama Krishna
For ASSISTANT REGISTRAR
25/9/2021

To,

1. The Principal Secretary, Animal Husbandry Dairy Development and Fisheries Department, Secretariat Buildings, Velagapudi, Amaravathi. (by RPAD)
2. The Chief Executive Officer, A.P. Livestock Development Agency, Guntur, AP (by RPAD)
3. The District Collector, Chittoor District (by RPAD)
4. The Executive Officer, District Livestock Development Association, Tirupati, Chittoor District. (by RPAD)
5. The Election Officer, The District Livestock Development Association, Tirupati, Chittoor District. (by RPAD)
6. One CC to Smt. Kalla Tulasi Durgamba Advocate [OPUC]
7. Two CCs to GP for Animal Husbandry, High Court Of Andhra Pradesh. [OUT]
8. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
9. One spare copy

MSR

HIGH COURT

KSR,J

DATED: 25/09/2021

NOTE : POST ALONG WITH WP NO. 13184 OF 2021.

ORDER

WP. (SR) NO. 29045 OF 2021

DIRECTION

