



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

[3460]

MONDAY, THE FOURTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 36794/2025

Between:

1. GONUGUNTLA VENKATA HANUMAYYA,, S/O. RAGHAVAYYA, AGED ABOUT 75 YEARS R/O. D.NO.1-36, INUMELLA VILLAGE, IPURU MANDAL, PALNADU DISTRICT.
2. GUTHA PADMA VATHI,, W/O. YAMALAI AH, AGED ABOUT 65 YEARS, R/O. D.NO.2-4A, GOVINDAPURAM VILLAGE CHILAKALURIPETA MANDAL, PALNADU DISTRICT.
3. MOTHUKURI ROJARATNAM,, W/O. KOTESWARA RAO, AGED ABOUT 60 YEARS, R/O. D.NO.1-154, AREPALLI VILLAGE, ROMPICHERLA MANDAL, PALNADU DISTRICT.
4. DARA SHADRAK,, S/O. DARA CHINNA KOTESWARA RAO, AGED ABOUT 29 YEARS, R/O. D.NO. 1-2472, VAYYAKALLU VILLAGE, SAVALYAPURAM MANDAL, PALNADU DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY ANIMAL HUSBANDRY, DAIRY DEVELOPMENT AND FISHERIES DEPARTMENT, SECRETARIAT, VELGAPUDI, AMARAVATI.522237
- 2.THE ANDHRA PRADESH LIVESTOCK DEVELOPMENT AGENCY GUNTUR, GUNTUR DISTRICT, REP BY ITS CHIEF EXECUTIVE OFFICER..522002
- 3.THE DISTRICT COLLECTOR, GUNTUR DISTRICT GUNTUR, GUNTUR DISTRICT 522002
- 4.THE DISTRICT ANIMAL HUSBANDRY OFFICER, GUNTUR, GUNTUR DISTRICT. 522002
- 5.THE JOINT DIRECTOR, ANIMAL HUSBANDRY, GUNTUR, GUNTUR DISTRICT. 522002
- 6.THE ASSISTANT DIRECTOR AH, REGIONAL ANIMAL HUSBANDRY TRAINING CENTER (RAHTC) GUNTUR, GUNTUR DISTRICT. 522002
- 7.THE ASSISTANT DIRECTOR AH/ ELECTION OFFICER, AREA VETERINARY HOSPITAL, NIDUBROLU, GUNTUR DISTRICT. 522002
- 8.THE GUNTUR DISTRICT LIVESTOCK DEVELOPMENT ASSOCIATION CHEBROLU, GUNTUR DISTRICT REP BY ITS EXECUTIVE OFFICER AND MEMBER CONVENER. 522002

...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, order and/or directions more particularly one in the nature of Writ of Mandamus declaring the impugned order being Proceeding No 01/DLDA/2025, dated 16-12-2025 issued by the 7th Respondent proposing/notifying the schedule to conduct elections to the

Executive Committee and the Chairman of the 8th respondent association as illegal, arbitrary and unconstitutional, contrary to the provisions of Andhra Pradesh Societies Registration Act, 2001 and bylaws of the 8th respondent society and consequently set-a-side the order being Proceeding No 01/DLDA/2025, dated 16-12-2025 issued by the 7th Respondent with a further direction to declare/announce the results of the elections already conducted by the 6 respondent/Election Officer on 20-03-2024 for the executive committee and the Chairman of the 8th respondent association and pass such

IA NO: 1 OF 2025

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 may be pleased to grant stay of all further proceedings pursuant to the impugned order being Proceeding No: 01/DLDA/2025, dated 16-12-2025 issued by the 7 Respondent including conduction of elections to be conducted on 05-01- 2026., and pass such

IA NO: 2 OF 2025

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 may be pleased to direct the respondents to declare/announce the results of the elections already conducted by the respondent/Election Officer on 20-03-2024 for the executive committee and the Chairman of the 8th respondent association., and pass such

IA NO: 1 OF 2026

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 May be pleased to vacate the interim Order dated 02.01.2026 in W.P. No.36794/2025 and pass

Counsel for the Petitioner(S):

1.G VENKATA REDDY

Counsel for the Respondent(S):

1.GP FOR ANIMAL HUSBANDARY

The Court made the following:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No.36794 of 2025****O R D E R:**

The present writ petition is filed questioning the action of Respondent No.7 in proposing to conduct elections for the Executive Committee and Chairman of 8th Respondent-Society without declaring the results for the elections conducted on 20.03.2024 by Respondent No.6 as illegal and arbitrary.

2. Respondent No.8 is a Society registered under the A.P. Societies Registration Act, 2001 by Registration No.42/2010. The Society was registered with an intent to promote breeding and development of all species and breeds of economically important livestock, and to introduce/promote and adopt appropriate technology for improving all aspects of livestock production and to arrange, organize and undertake all activities relating to and necessary for improving production and productivity. The Society in turn is a Member of A.P. Livestock Agency-Respondent No.2 herein. As per clause 4 of the Rules and Regulations of the Society, the total members of the Society are 33 to be nominated by the District Collector from various associations or societies in the District.

3. The Executive Committee will be elected as per clause 6.3.0 of the bye-laws. It is stated that the term of the previous Committee expired on 05.02.2024, therefore Respondent No.6 was appointed as an Election Officer vide proceedings dated 12.03.2024 for conducting elections to the Executive Committee. It is stated that for conducting elections scheduled on 20.03.2024, the Petitioner gave nomination for the post of Chairman/President and Petitioners 2 to 4 submitted their respective nominations for the posts of Directors/Members.

4. While so, one Lagadapati Venkat Rao filed two writ petitions before this Court i.e. W.P.No.3379 and 6983 of 2024 and an interim order was passed by this Court on 19.03.2024 permitting the Respondents to proceed with the elections, but to withhold the results pending further orders. The writ petitions were dismissed as withdrawn on 20.01.2025, however, the results were not being announced.

5. Subsequently, Respondent No.3 nominated Members to the 8th Respondent-Society and issued orders dated 09.12.2025 for conducting elections to the Society. Respondent No.7 was appointed as Election Officer on 16.12.2025 for conducting of

elections which were scheduled on 05.01.2026. In that context, the present writ petition is filed.

6. In the counter affidavit filed by Respondent No.8, it is stated that as per the Rules and Regulations, 47 Members constitute membership of Respondent No.8-Society and 33 members among them have got voting rights. Out of 33 members, 30 members are nominated by the District Collector and to elect members of the Executive Committee is as envisaged under Rule 4.1.0 read with clauses 6.3.0 and 6.3.1 of the above mentioned Rules. It is stated that the State Government had issued a UO note 2460863/Poll.A/A2/2024-1 dated 07.06.2024, whereunder the concerned Special Chief Secretaries/ Principal Secretaries/ Secretaries to Government were requested to obtain resignation from various nominated posts to Corporations, Boards, Academies and other Autonomous Organizations and report compliance for taking further action.

7. It was in that context, the Executive Officer, DLDA, Guntur in coordination with Joint Director(A.H) Guntur obtained resignations from 22 nominated members out of 28 members (6 members have not submitted their resignations including

Petitioner No.1) and the resignations of 22 members were approved by the Collector and Magistrate vide proceedings Proc.Roc.No.324/DAHO/2024 dated 12.09.2024. It is stated that after dismissal of W.P.No.6983 of 2024 on 12.09.2025, there was no judicial order restraining the declaration of results. However, as the very quorum of electorate had resigned, the declaration of election results became impracticable and in the peculiar circumstances, the agencies were sought to be proceeded for election afresh.

8. Heard Sri G.Venkata Reddy, learned counsel for the Petitioners and learned Government Pleader for Animal Husbandry.

9. As per the Articles of Association of Respondent No.8-Society, the membership to the Society is specified in clause 4.0.0. The members are classified as in Columns A,B,C and D as Members (33), Ex-officio Members(08), Nominated members (05), Co-opted members / Special invitees and Member Secretary (01) Among the (33) members in Column (A), 30 are nominated by the District Collector and the members in Column (A) alone have voting right to elect Executive Committee. The members in columns B, C and

D do not have voting rights.

10. Out of (33) members in column (A), 17 are members of the Executive Committee. The Chairman, District Cooperative Milk Union, the Chairman, District Cattle Breeders Association and the President of Zilla Mahila Samakhya are default members of the Executive Committee. Further, the representative each of Scheduled Caste, Scheduled Tribe, Backward Classes & Minorities Dairy farmers (Male / Female) nominated by the District Collector totalling (04) are also part of the Executive Committee by default. The elections would be for the remaining 10 members and they would have to be elected among their quota. For better understanding, the tabular statement is extracted below:

A. Members

1	Chairman District Cooperative Milk Union	1	
2	Chairman District Cattle Breeders Association	1	
3	Presidents of Milk Cooperative Societies	5	5 out of 10 to be elected by the General Body.
4	President of Zilla Mahila Samakhya	1	
5	Presidents of Mandala Mahila Samakhya	1	1 out of 3 to be elected by General Body.

6	One Representative each of Schedule Caste, Schedule Tribe, Backward Classes & Minorities Dairy farmers (Male / Female)	4	Nominated by the Collector.
7	Presidents of Woman dairy cooperative Societies	2	2 out of 5 to be elected by General Body.
8	Progressive Dairy Farmers	2	2 out of 5 to be elected by General Body.
	Total	17	

11. The Ex-officio Members (08), Nominated Members (05), Co-opted members / Special invitees and Member Secretary (01) are also members of the Executive Committee, but they do not have any right to vote in the election for the president.

12. In the present case, the election notice was issued, scheduling the elections on 20.03.2024 for the 10 posts. As per the election schedule, firstly, the elections would be conducted for the 10 posts and after declaration of results, the nominations for the post of Chairman would be taken and thereafter, the elections would be held for the said post. Considering the minuscule electorate, the entire election process was to be completed on the same day.

13. While so, the elections came to be challenged and this Court in W.P.No.6983 of 2024 passed an interim order on 19.03.2024 directing the election process to go on, but not to declare the results. As narrated above, the writ petitions were dismissed as withdrawn on 20.1.2025. The consequence of the withdrawal of the writ petition is that the election to the members of the Executive Committee ought to be announced by the authorities and elections should have been conducted only for the vacancies occasioned on account of resignations, rather than cancelling proceeding with elections in totality.

14. It would be appropriate to refer to the judgment of the Hon'ble Supreme Court in ***Kalabharati Advertising v. Hemant Vimalnath Narichania***¹, which explained the effect of interim relief in cases which are dismissed as withdrawn at a later point of time. Paragraphs 15-19 are extracted below;

“Case dismissed/withdrawn — Effect on interim relief

15. No litigant can derive any benefit from the mere pendency of a case in a court of law, as the interim order always merges into the final order to be passed in the case and if the case is ultimately dismissed, the interim order stands nullified automatically. A party cannot be allowed to take any benefit of his own wrongs by getting an interim

¹ (2010) 9 SCC 437

order and thereafter blame the court. The fact that the case is found, ultimately, devoid of any merit, or the party withdrew the writ petition, shows that a frivolous writ petition had been filed. The maxim actus curiae neminem gravabit, which means that the act of the court shall prejudice no one, becomes applicable in such a case. In such a situation the court is under an obligation to undo the wrong done to a party by the act of the court. Thus, any undeserved or unfair advantage gained by a party invoking the jurisdiction of the court must be neutralised, as the institution of litigation cannot be permitted to confer any advantage on a party by the delayed action of the court. [Vide A.R. Sircar (Dr.) v. State of U.P.8, Shiv Shankar v. U.P. SRTC9, Arya Nagar Inter College v. Sree Kumar Tiwary10, GTC Industries Ltd. v. Union of India11 and Jaipur Municipal Corpn. v. C.L. Mishra12.]

16. *In Ram Krishna Verma v. State of U.P.13 this Court examined the issue while placing reliance upon its earlier judgment in Grindlays Bank Ltd. v. ITO14 and held that no person can suffer from the act of the court and in case an interim order has been passed and the petitioner takes advantage thereof, and ultimately the petition stands dismissed, the interest of justice requires that any undeserved or unfair advantage gained by a party invoking the jurisdiction of the court must be neutralised. A similar view has been reiterated by this Court in Mahadeo Savlaram Shelke v. Pune Municipal Corpn.15*

17. *In South Eastern Coalfields Ltd. v. State of M.P.16 this Court examined this issue in detail and held that no one shall suffer by an act of the court. The factor attracting the applicability of restitution is not the act of the court being wrongful or a mistake or error committed by the court; the test is whether an act of the party persuading the court to pass an order held at the end as not sustainable, has resulted in one party gaining an advantage it would not have otherwise earned, or the other party suffering an*

impoverishment which it would not have suffered but for the order of the court and the act of such party. There is nothing wrong in the parties demanding to be placed in the same position in which they would have been had the court not intervened by its interim order, when at the end of the proceedings, the court pronounces its judicial verdict which does not match with and countenance its own interim verdict. The injury, if any, caused by the act of the court shall be undone and the gain which the party would have earned unless it was interdicted by the order of the court would be restored to or conferred on the party by suitably commanding the party liable to do so. Any opinion to the contrary would lead to unjust if not disastrous consequences.

18. *The Court further held : (South Eastern Coalfields Ltd. case16, SCC pp. 664-65, para 28)*

“28. ... Litigation may turn into a fruitful industry. Though litigation is not gambling yet there is an element of chance in every litigation. Unscrupulous litigants may feel encouraged to approach the courts, persuading the court to pass interlocutory orders favourable to them by making out a prima facie case when the issues are yet to be heard and determined on merits and if the concept of restitution is excluded from application to interim orders, then the litigant would stand to gain by swallowing the benefits yielding out of the interim order even though the battle has been lost at the end. This cannot be countenanced. We are, therefore, of the opinion that the successful party finally held entitled to a relief assessable in terms of money at the end of the litigation, is entitled to be compensated....”

19. *In Karnataka Rare Earth v. Deptt. of Mines & Geology17 a similar view has been reiterated by this Court observing that the party who succeeds ultimately is to be placed in the same position in which they would have been if the court would not have protected them by issuing interim order.*

*20. The aforesaid judgments are passed on the application of legal maxim *sublato fundamento, cadit opus*, which means in case a foundation is removed, the superstructure falls.*

21. In Badrinath v. State of T.N.¹⁸ this Court observed that once the basis of a proceeding is gone, all consequential acts, action, orders would fall to the ground automatically and this principle of consequential order which is applicable to judicial and quasi-judicial proceedings is equally applicable to the administrative orders.”

15. However, the relief for declaration of the result of the Chairman sought by the Petitioner cannot be granted as the election process for the said post would kick start only after elections to the 10 members of the Executive Committee are completed. Without declaration of the results for the members of the Executive Committee, there cannot be any election for the post of President/Chairman. The nominations and scrutiny of nominations for the post of President/Chairman even as per the election scheduled on 20.03.2024, are after the declaration of results of 10 members of the Executive Committee and the election process for the said post would start only then. Therefore, the relief for the declaration of the result for the post of President cannot be granted.

16. For the aforesaid reasons, the Writ petition is disposed of

with the following directions;

(i) The Results of the elections held on 20.03.2024 for the members of the Executive Committee be declared forthwith.

(ii) The Respondents are at liberty to proceed with elections for the vacancies in the Executive Committee occasioned on account of resignations as well as to the post of President/Chairman.

(iii) No order as to costs

As a sequel, the miscellaneous petitions, if any, pending in this Petition shall stand closed.

NYAPATHY VIJAY, J

Date:04.05.2026
KLP