

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos.36852 & 37321 of 2013

DATE 03-09-2015

W.P.No.36852/2013

Between:

1. Rajendraprasad Sahu and another

... Petitioners

And

1. The Divisional Cooperative Officer/Deputy Registrar of Cooperative Societies, Tekkali Division, Tekkali, Srikakulam District, and others.

... Respondents

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.Nos.36852 & 37321 of 2013

COMMON ORDER:

These two writ petitions are being disposed of by this common order in view of the similarity of points involved in these matters.

Heard learned counsel for the petitioners and learned Government Pleader for respondents.

W.P.No.26852 of 2013 was filed by the President of the 2nd respondent-society whereas W.P.No.37321 of 2013 was filed by the Vice-President of the 2nd respondent-society. The members of the 2nd respondent-society submitted a complaint/representation stating that the petitioners herein incurred disqualification since they have more than two children as on the date of their election. On the basis of the said complaint, the 1st respondent addressed a notice on 12.07.2013 to the Committee of the 2nd respondent-society for convening General Body meeting to discuss disqualification of the petitioners. Though the petitioners did not appear before the General Body, the General Body in its meeting held on 28.11.2013 passed a resolution disqualifying the petitioners. Pursuant to the said resolution, when the 1st respondent passed an order on 3.12.2013 holding that the petitioners ceased to be the members of the committee of the society, these writ petitions are filed.

This Court by order dated 23.12.2013 granted interim suspension of the impugned order dated 3.12.2013, as a result of which the petitioners have been continuing.

The 1st respondent filed W.V.M.P.No.3630 of 2014 in W.P.No.36852 of 2013 and W.V.No.3632 OF 2014 in W.P.No.37321 of

2013 seeking vacation of the said interim suspension order. Therefore, these two writ petitions are taken up for final disposal upon considering the vacate stay petitions.

In view of the availability of the alternative remedy of appeal against the order passed by the 1st respondent, the learned counsel for the petitioners fairly submitted that the petitioners may be given some time to avail the alternative remedy of appeal.

Accordingly, these two writ petitions are disposed of giving liberty to the petitioners to avail the alternative remedy of appeal. Interim suspension granted on 23.12.103 shall continue for a period of four weeks from today to enable the petitioners to file appeal against the order passed by the 1st respondent within the said time. Consequently, pending miscellaneous petitions, if any, are also disposed of. No order as to costs.

A. RAMALINGESWARA RAO, J.

3rd September, 2015
Js.