

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

-

WRIT PETITION Nos.33196 of 2014 & 27346 of 2015

DATE 03-09-2015

W.P.No.33196/2014

Between:

Kakarapalli Kasi

... Petitioner

And

1. State of Andhra Pradesh, rep. by its Principle Secretary, Animal Husbandry, Dairy Development and Fisheries (Fish-II) Department, Secretariat, Hyderabad – 500 022, and another.

... Respondents

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.Nos.33196 of 2014 & 27346 of 2015

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.

The Fisherman Cooperative Society, Katravulapalli, Jaggampeta Mandal, East Godavari District was registered in the year 1977. There are nearly 453 members as on 02.12.2013 and the term of the previous Managing Committee was expired on 12.10.2013. The 9 members of the Managing Committee were declared as elected unanimously on 11.12.2013. Among the nine elected members, the petitioner was elected as President and one Pallapati China Subba Rao was elected as Vice-President on 13.12.2013 and the Committee has assumed charge on that day itself. Thereafter, a notice of No Confidence was moved by the members of the Managing Committee and the same was served on the petitioner on 24.10.2014. Taking the aid of Section 24(a) of the A.P. Cooperative Societies Rules, 1964, which provides that no such notice shall be made within one year from the assumption of office, W.P.No.33196 was filed by the President of the Managing Committee.

This Court by order dated 6.11.2014 in W.P.No.33196 of 2014 granted Stay of all further proceedings and the said order has been in operation till today.

Thereafter, five Members of the Managing Committee filed W.P.No.27346 of 2015 stating that they submitted a fresh notice of No Confidence against the petitioner to the society on 8.08.2015 and in

view of the stay granted in W.P.No.33196 of 2014 the respondents are not taking any action.

Thus both these writ petitions are taken up together for consideration.

Learned counsel for the petitioner in W.P.No.33196 of 2014 fairly conceded that since the period of one year had elapsed it is open for the respondents to take action in accordance with law since fresh notice of No Confidence is received by the petitioner.

In the circumstances, W.P.No.27346 of 2015 is disposed of directing respondents 2 and 3 to take necessary steps pursuant to the notice submitted by the petitioners therein in accordance with law.

In view of the fact that the period of one year, in which no confidence motion cannot be moved as per Section 24(a) of the Act, has been elapsed, W.P.No.33196 of 2014 does not survive and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J.

3rd September, 2015
Js.