

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD**  
**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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**WRIT PETITION No.32623 of 2015**

Between:

G.Ashok and another.

....Petitioners

and

The State of Telangana,

Rep.by its Secretary,

Agriculture and Cooperation Department,

Secretariat, Hyderabad,

and others.

....Respondents

JUDGMENT PRONOUNCED ON : 06.10.2015

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :**

1. Whether Reporters of Local newspapers : Yes

may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No

Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION No.32623 of 2015**

**ORDER:**

The petitioners are the President and Vice-President of the third respondent society. Nine members of the Managing Committee out of thirteen members submitted a requisition on 29.09.2015 to the second respondent expressing want of confidence on the petitioners. Pursuant to the said requisition, the second respondent issued the proceedings dated 01.10.2015 proposing to hold a meeting of no confidence on 17.10.2015 at 11.30 AM. Challenging the same, the present Writ Petition is filed.

Learned Senior Counsel, Sri Vedula Venkataramana appearing for the petitioners submits that the notice proposing to hold the meeting of no confidence need not contain the reasons, but indicating the reason of intention of the requisitionists for moving the no confidence motion would have an influence on the voting, and the order passed by the second respondent is vitiated. He further submits that the second respondent cannot come to the conclusion that the no confidence motion would be carried out and cannot announce to hold the elections to the posts of the President and Vice President simultaneously on the same day of meeting, as it is contrary to the procedure laid down in Rule 24-A of the Andhra Pradesh Co-operative Societies Rules, 1964 (for short, the Rules).

Though this Court is in agreement with the said contentions, those infirmities would not vitiate the meeting that is proposed to be held on 17.10.2015 for considering the requisition given by nine members of the Managing Committee

on 29.09.2015. Hence, the meeting on 17.10.2015 can be held for considering the requisition without being influenced by the observations made by the second respondent with regard to the reason for convening the meeting, except for the reason of submitting the requisition. With regard to the conduct of elections, in the event of the motion of no confidence being carried out against the petitioners, it is needless to observe that the second respondent shall follow the procedure contained in Section 34-A of the Andhra Pradesh Co-operative Societies Act, 1964, read with Rule 24-A of the Rules, which say about the passing of an order removing the President and the Vice President, as the case may be, and filling up of the resulting vacancy in the manner prescribed. Sub-rule (7) of Rule 24-A of the Rules speaks of passing of an order removing the President/Vice-President or both the President and Vice-President, as the case may be, within a period of three days from the date on which the motion of no confidence is carried under sub-rule (4). There is a provision in sub-rule (6) for functioning of the interim President and Vice-President. The rest of the procedure for election of the President/Vice-President is also provided in the said Rule 24-A of the Rules.

The Writ Petition is, accordingly, disposed of with the above observation. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**(A.RAMALINGESWARA RAO, J)**

06.10.2015

vs

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