

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.31358 of 2015

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Cooperation for respondents.

2. The petitioner is the President of Peddatippasundaram Primary Agricultural Cooperative Society, Guggillapalle Village, Navabu Kota Post, PTM Mandal, Chittoor District (for short, the Society). The petitioner claims to have been elected unanimously as President of the Society in the elections held on 02.02.2013. The meetings of the Managing Committee were held on 07.02.2015, 30.03.2015 and 12.05.2015. Another meeting was also held on 13.07.2015 for the purpose of considering no confidence motion moved against the petitioner. When the third respondent issued a show cause notice dated 25.06.2015 under Section 34-A of the A.P.Cooperative Societies Act, 1964 (for short, the Act) for considering the no confidence motion, the petitioner filed W.P.No.20536 of 2015 and this Court set aside the show cause notice dated 25.06.2015, by order dated 10.07.2015.

3. It appears that the first respondent complained to the third respondent stating that the petitioner has not been conducting the managing committee meetings from February, 2015 onwards. On the basis of the said complaint, the third respondent issued a show cause notice under Section 32(3) of the Act on 28.08.2015 asking the petitioner to attend before him on 15.09.2015. Accordingly, the petitioner attended on the said date, and after verifying the records, the third respondent passed an order on the same day holding that the petitioner ceased to be the President of the Society and the powers and functions of the President shall devolve on the Vice President of the Society. Challenging the same, the present writ petition is filed.

4. Under Section 76 of the Act, there is a provision for appeal against the declaration holding that the petitioner ceased to be the President of the Society. Hence, this Court is not inclined to entertain the present writ petition. However, the petitioner is given liberty to file an appeal against the impugned order before the competent authority, within a period of 15 days from the date of receipt of a copy of this order.

5. The writ petition is, accordingly, disposed of. No order as to costs. Miscellaneous Petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 28.09.2015

TJMR