

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition Nos.24547, 24151, 1596/13 & 32935/12

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Dated 29th October, 2015

Between:

M.V.Subbaiah

...Petitioner

(W.P.No.24547 of 2013)

And

Government of Andhra Pradesh, rep.by its Principal Secretary, Co-operation Department, Secretariat, Hyderabad and others

...Respondents

(W.P.No.24547 of 2013)

Counsel for the petitioner: Sri K.S.Murthy

(W.P.No.24547 of 2013)

Counsel for respondent Nos.1 to 3: Sri Andapalle Sanjeev Kumar

Counsel for respondent No.4: Sri Sarang J.Afzulpurkar

Counsel for respondent No.5: Sri Sharad Sanghi

(W.P.No.24547 of 2013)

The Court made the following:

COMMON ORDER:

W.P.No.24547 of 2013 is filed for the following substantive relief:

“...to issue a Writ, Order, or Direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the respondent Nos. 2 and 3 to take conclusive and comprehensive productive action pursuant to the enquiry report dated 20-06-2012 into the affairs of Respondent No.4 society and consequently to take a comprehensive time bound action for smooth running of Respondent No.4 Society for the genuine welfare of all its members.”

W.P.No.24151 of 2013 is filed for the following substantive relief:

“...to issue a writ or order or direction, more preferably in the nature of writ of mandamus declaring the impugned proceedings dated 08-07-2013 in R.C. No. 36/2011-MACS Freezing the bank account of the 1st petitioner with Respondent No. 4, as illegal, arbitrary, unconstitutional and violative of Principles of natural justice.”

W.P.No.1596 of 2013 is filed for the following substantive relief:

“...to issue a writ order or direction in the nature of Mandamus or otherwise declaring the action of the 1st, 2nd and 3rd respondents in not appointing adhoc committee to look after the affairs of the High Court employees mutually aided cooperative Housing society in place of present managing committee despite making various representations by the members of the High Court employees mutually aided cooperative Housing society and not taking further action in pursuance of the report submitted by enquiry officer by his report dated 26.06.2012 and allowing the present managing committee to continue as arbitrary, illegal, violating article 14, 21 of Constitution of India apart from ultra vires to provisions of MACS Act including section 38 (2)(3)(4) of the Act and issue consequential directions directing the 1st, 2nd & 3rd respondents to forthwith appoint adhoc committee to look after affairs of the High Court employees mutually aided cooperative Housing society in place of the present managing committee and also direct the respondents 1st, 2nd & 3rd respondents to take further action in pursuance of the report submitted by the enquiry officer by his report dated 26.06.2012 as per provisions of the MACS Act including Section 38 and also further direct the managing committee not to operate the account of the society which is existing with 4th respondent and further direct the 1st, 2nd and 3rd respondents to conduct detailed enquiry regarding the lapses and irregularities including financial irregularities alleged to have been committed by present managing committee and take appropriate action as per law.”

W.P.No.32935 of 2012 is filed for the following substantive relief:

“...to issue order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondent Nos.2 & 3 in not taking action on the Petitioners representation dated 26-09-2011, 27-07-2012 and 23-08-2012 as illegal, arbitrary, Violation of Principles of Natural Justice, without Jurisdiction, Violation of Article 14 & 21 of Constitution of India and declare that the Managing Committee of the Respondent No.4/Society was disqualified as per Bye-Law No.23 (vi) (c) and consequentially direct the Respondent Nos.2 & 3 to appoint an Adhoc Committee for Respondent No.4 /Society and to conduct fresh elections and to take action against the Managing Committee for misappropriation of Respondent No.4 funds.”

At the hearing, Sri Andapalle Sanjeev Kumar, learned Special Government Pleader attached to the office of the Advocate General (TS), placed before the Court a copy of the proceedings in Rc.No.36/2011-MACS, dated 26.10.2015, of the Registrar, Mutually Aided Co-operative Societies and District Co-operative Officer, Hyderabad District wherein it is stated that he is convening the Special General Body Meeting of the A.P.High Court Employees Mutually Aided Co-operative Housing Society Limited, Hyderabad on 07.11.2015 for choosing an *ad hoc* Committee for the specific purpose of conducting elections to the Board of Directors of the Society.

Sri K.S.Murthy, learned counsel for the petitioner in W.P.No.24547 of 2013, submitted that in view of the supercession of the elected Managing Committee and the steps being taken by the Registrar for electing a new Body, the grievance of the petitioners in all these writ petitions has been substantially redressed. He has, however, requested for leaving the petitioners with liberty to avail appropriate legal remedies if and when need for availing such remedies arises.

Sri S.Raju, learned counsel, representing Sri P.V.Krishnaiah, learned counsel for the petitioners in W.P.No.1596 of 2013, has also sailed with the submissions of Sri K.S.Murthy.

In the light of the above facts, these writ petitions are disposed of as infructuous with liberty to the petitioners in terms of the prayer made.

As a sequel to disposal of the writ petitions, all the pending interlocutory applications shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

29th October, 2015
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