

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No. 40509 of 2014

ORDER:

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This writ petition is filed questioning the of action Respondents 2 to 4 in taking steps to entrust the sand reach of Karugorumilli in favour of unrecognized/unauthorized society, contrary to G.O.Ms. No.95, dated 28.08.2014, and the action of the 6th respondent in not registering the Society, as requested vide representation dated 20.12.2014, as illegal, arbitrary and contrary to law, and seeking a consequential direction to the 6th respondent to take further course of action for registering the Society as requested in the representation of the petitioners, and direct the Respondents 2 to 4 to entrust the sand reach of Karugorumilli to the said Society.

2. Heard the learned counsel for the petitioners and the learned Government Pleaders appearing for the respondents and considered the material on record.

3. The case of the petitioners herein is that the Government of Andhra Pradesh issued G.O.Ms.No.95, dated 28.08.2014 prescribing Rules for handing over the sand bearing areas and the procedure to be adhered. The Rural Development Department has framed certain guidelines for extraction and sale of sand, and as per the said guidelines the Mahila Village Organisations situated within the area of operation of the sand reach have to form into a Mutually Aided Cooperative Society and get the same registered as per the provisions of the A.P. Mutually Aided Cooperative Societies Act, 1995 (for short, 'the Act'). It is further stated that as per the guidelines and the Rules, the Society has to be formed, from and among the members of the six Mahila Village Organisations to have the sand reach of Karugorumilli. It is also stated that the 5th

respondent/Project Director, DRDA, Eluru has convened a meeting on 18.12.2014 for constituting a Society. In the said meeting a resolution was passed to constitute "Karugorumilli Primary Sand Mining Mahila Cooperative Credit Society Limited", Karugorumilli, with the President and Secretary as its Members, and elected six out of twelve members as Managing Committee Members, as required under Section 21 of the Act, and sent the same to the 6th respondent for registering the Society. Though it is the statutory obligation of the 6th Respondent to register the same, the 6th Respondent kept the same pending.

4. According to the petitioners, an application was submitted to the 6th respondent on 20.12.2014 seeking registration of the Society under the provisions of the Act. The main grievance of the petitioners is that though the 6th respondent received the said application as long as on 20.12.2014, no action has been taken on the same. It is also stated in the affidavit that the 6th respondent is expressing his inability to register in view of the political pressure on him.

5. No counter affidavit has been filed by any of the Respondents, opposing the writ petition.

6. When an application is made seeking registration of a Society, it is obligatory on the part of the registering authority to take appropriate action in accordance with law, and the said application cannot be kept pending for months together. In these circumstances, this Court is of the considered opinion that the ends of justice would be met if the 6th Respondent is directed to take appropriate action on the application dt. 20.12.2014 submitted by the petitioners for registration, by fixing a time frame.

7. For the aforesaid reasons, the writ petition is disposed of, directing the 6th respondent to take appropriate action on the

application dt.20.12.2014 submitted by the petitioners for registration of the Society, within a period of one month from the date of receipt of this order in accordance with law. As a sequel, pending miscellaneous petitions, if any, stand closed. No costs.

A.V.SESHA SAI, J

Date: 19.08.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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