

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

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 809 OF 2015

Date: 08.09.2015

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Between:

The Fishermen Cooperative Society, rep., by its President,
Potharam, Kodimyal Mandal,
Karimnagar District.

... Appellant

And

The Telangana Cooperative Tribunal, Warangal,
Rep., by its Secretary,
Warangal & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 809 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

This writ appeal challenges the order, dated 10.03.2015, passed in W.P.No.3957 of 2015, whereby writ petition filed by the appellant has been dismissed.

Writ petition was directed against the order of the Registrar of Cooperative Societies admitting respondent Nos.3 to 85 as members of the appellant society.

We have perused the order passed by the learned Single Judge and, in particular, the concluding paragraph thereof and also the provision of Section 19 (2-A) of the A.P. Cooperative Societies Act, 1964 (for short, "the Act"). It is not in dispute that respondent Nos.3 to 85 had applied for membership to the Registrar. Further, it is not in dispute that they are qualified to become members of the appellant society and that they had submitted applications in the prescribed form under the Act. In view thereof, the learned Judge while dismissing the writ petition observed as follows in the impugned order:

"However, as per the ratio laid down by the Division Bench of this Court in the decision reported in **Fishermen Co-op. Society Kondair Village (1 supra)**, as well as on a plain reading of Section 19(2-A) specifically lays down that any individual seeking admission of the membership may apply through the Registrar for membership

of such society and such person shall be deemed to have been admitted as member of the society. Therefore by virtue of the aforesaid provision the respondents – fishermen are deemed to have been admitted as members of the society.”

Insofar as legal position as reflected in the aforementioned paragraph is concerned, the same is not in dispute.

Learned counsel appearing for the petitioner, however, submits that the membership may be given with effect from future date. His submission, in our opinion, must be rejected in view of the clear provisions contained in Section 19(2-A) of the Act.

Writ appeal is accordingly dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 08.09.2015
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