

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 Nos.29283 & 31885 of 2014 and 18185 of 2015

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W.P. No.29283 of 2014

Between:

Jatturu Nagaiah, and others

.. Petitioners

and

The Government of Telangana
Rep. by its Principal Secretary
Cooperative Department
Telangana Secretariat, Hyderabad, and others

.. Respondents

W.P. No.31885 of 2014

Between:

M/s. Malkapur Gani Karimika Contract Cooperative Society
Malkapur Village, Rep. by its President J.Ramulu

.. Petitioner

and

The Government of Telangana
Rep. by its Principal Secretary
Cooperative Department
Secretariat, Hyderabad, and others

.. Respondents

W.P. No.18185 of 2015

Between:

Jatturu Nagaiah, and others

.. Petitioners

and

The State of Telangana
Rep. by its Principal Secretary
Cooperative Department
Telangana Secretariat, Hyderabad, and others

.. Respondents

DATE OF ORDER PRONOUNCED: 19.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be marked to Law Reporters/Journals? Yes/No

3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION Nos.29283 & 31885 of 2014 and 18185 of 2015

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COMMON ORDER:

The petitioners in W.P. No.18185 of 2015 are Executive Committee members of the seventh respondent Society. The elections to the said Executive Committee were held in February 2013. Seven members were elected to the Managing Committee of the Society including the petitioners. The petitioners, who are four in number, submitted their resignation on 10.06.2014, and hence, there is no majority in the Managing Committee. In those circumstances, the petitioners filed W.P.No.29283 of 2014 seeking a direction for appointment of Special Officer to the Society. Thereafter, proceedings were issued on 29.09.2014 by the Deputy Registrar of Cooperative Societies appointing Person In-charge Committee in the place of Managing Committee in exercise of the powers conferred on him under Rule 23-AAA(5) of the A.P. Co-operative Societies Rules, 1964. The said appointment was made for a period of three months with effect from 29.09.2014 or till elections were held whichever is earlier. The said order was challenged in W.P.No.31885 of 2014 and this Court by order dated 24.10.2014 suspended the same. In the said Writ Petition, it was submitted that though the 4 members resigned, meeting of the managing committee was held on 17-7-2014 and the resignations of one P. Moulana and J. Nagaiah were accepted. After acceptance of the resignations of those persons, two other members were coopted and

hence, the managing committee continued. But the managing committee, which was reduced to minority cannot meet and pass a resolution accepting only two resignations out of 4 resignations. In those circumstances only, the Sub-Divisional Cooperative Officer, Tandur verified the record and noticed that no meeting took place on 17-7-2014 and no resolution was recorded. In view of the same, the order dated 29-9-2014 was passed appointing 3 persons as persons-in-charge. But that order was suspended by this court on 24-10-2014. As a result of such suspension, the erstwhile President of the Committee along with two other members have been continuing as Persons in-charge of the society without any authority. Though the order of appointment of Person in-charge Committee on 29.09.2014 was for a period of three months and the same was suspended on 24.10.2014 by this Court, the erstwhile president along with two other directors have been continuing till today without any order. W.P.No.18185 of 2015 is filed for conducting of elections to the Managing Committee. The resigned members also filed W.P.29283 of 2014 challenging the action of the respondents in allowing the remaining members illegally and asking for appointment of a Special Officer and conducting elections.

The above facts would make it clear that the majority of the members of the Managing Committee have submitted their resignation on 10.06.2014 and their resignations could not be accepted by the Managing Committee. In those circumstances only, the Deputy Registrar of Cooperative Societies passed an order appointing the Persons in-charge Committee to run the affairs of the Society. Though the said order was suspended by this Court on 24.10.2014, the remaining directors have been continuing till today without any authority.

In the above circumstances, it is proper to direct the competent authority under the provisions of the A.P. Cooperative Societies Act, 1964 and A.P. Co-operative Societies Rules, 1964 to conduct elections

to the Managing Committee and complete the same within a period of three (3) months from the date of receipt of a copy of this order. Till completion of the elections to the Managing Committee, the present directors who are continuing shall continue in view of the order of this Court dated 24.10.2014 in W.P.No.31885 of 2014.

With the above directions, these Writ Petitions are disposed of.
There shall be no order as to costs.

Miscellaneous petitions pending, if any, in these Writ Petitions shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 19.08.2015

MVA

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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