

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.20713 of 2015

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner is an elected President of the third respondent Society. While so, a notice was issued by the second respondent on 30.06.2015 to all the members of the Managing Committee stating that 11 elected members of the committee submitted a notice him along with a copy of the motion expressing no confidence against the petitioner herein. On the basis of the same, the second respondent wanted to convene a meeting on 20.07.2015 at 11:00 am. Challenging the said notice, the present Writ Petition is filed.

Learned Counsel for the petitioner submitted that, along with the notice a copy of the proposed resolution should have been communicated and the same was not communicated to the members of the committee, including the petitioner herein. When the said allegation was made by the learned Counsel for the petitioner, this Court called for the record from the second respondent and the record disclosed that 11 members of the committee had submitted a notice expressing no confidence against the petitioner, and only the impugned notice was communicated to the members without enclosing a copy of the proposed motion.

Section 34-A(2) of the Andhra Pradesh Co-operative Societies Act, 1964, reads as follows:-

“(2) A written notice of intention to make the motion, in such form as may be prescribed, signed by not less than one-half of the total number of members of the Committee together with a copy of the proposed motion shall be delivered in person, by any two of the members signing the notice, to the Registrar having jurisdiction over the society.”

After receipt of the notice, the second respondent is supposed to serve a copy of the same as per Rule 24-A of the Andhra Pradesh Co-operative Societies Rules, 1964 (for short, the Rules), to the members of the committee.

Learned Counsel for the petitioner submits that no copy of the proposed motion was sent along with the notice and he relied on the decision of a Division Bench of this Court in **Vancha Veera Reddy v. District Co-operative Officer, Nalgonda**^[1].

Though the Division Bench placed reliance on Rule 24-A of the Rules and proceeded on the assumption that the said Rule provides for serving a notice on the members along with a copy of the proposed resolution, no such provision is found in Rule 24-A(1) of the Rules.

In the circumstances, the reliance placed by the learned Counsel for the petitioner on the Division Bench decision is of no avail. I have verified the record and noticed that proper procedure was followed by the second respondent before issuing the notice to the members of the Managing Committee.

In view of the above, I do not find any reason to entertain the present Writ Petition and the same is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

17.07.2015
VS

^[1] 2010 (3) ALT 761 (DB)