

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

WRIT PETITION No.22156 of 2015

BETWEEN:

T. Bhaskar Rao,
S/o. Veera Rao Murthy,
R/o. Jangupalli Village, Post Peddapur,
Via Chelpur, Ghanpur Mandal,
Warangal District.

.. **Petitioner**

AND

The State of Telangana,
rep.by its Principal Secretary to Government,
Agriculture and Cooperation Department,
Telangana Secertariat, Hyderabad,
and 5 others.

.. **Respondents**

DATE OF JUDGMENT PRONOUNCED: 10.08.2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

- | | |
|---|--------|
| 1. Whether reports of Local newspapers
may be allowed to see the judgments? | YES/NO |
| 2. Whether the copies of judgments 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 |

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.22156 of 2015

ORDER:

The petitioner is stated to be a Director of fourth respondent-

Primary Agricultural Cooperative Credit Society Limited, Ghanpur (Mulug), Warangal District. The sixth respondent was holding the post of president of the fourth respondent-society and he was removed as president in the meeting of no confidence motion held on 17.01.2015. On the same day, the second respondent-Deputy Registrar of Cooperative Societies, Mulug, passed an order stating that sixth respondent would cease to hold the office of president, in view of no confidence motion carried against him. The said order of the second respondent was challenged before the fifth respondent-Telangana Cooperative Tribunal, Warangal in CTA No.1 of 2015 and the said CTA is pending before the Tribunal. The sixth respondent also filed I.A.No.1 of 2015 in the said appeal and the Tribunal passed an order on 01.05.2015 recording a finding that the order passed by the second respondent was irregular to the extent of holding that sixth respondent was removed as president of the society. However, the second respondent, who was first respondent in CTA No.1 of 2015, was given liberty to proceed against the petitioner-sixth respondent herein as per law. The jurisdiction of the second respondent herein, who was arrayed as first respondent in the appeal, was, however, upheld. In view of the liberty given to the second respondent, the second respondent passed an order on 18.05.2015 correcting his earlier order by holding that sixth respondent was removed as president and fixing the date as 22.05.2015 for conducting election to the post of president.

The petitioner herein was elected as president of the society in the said meeting.

The proceedings of the second respondent dated 18.05.2015 were challenged in I.A.No.23 of 2015 in the pending appeal before the Tribunal. The Tribunal passed an order on 07.07.2015 setting aside the said proceedings dated 18.05.2015 on the ground that the second respondent herein corrected the order on his own accord without intimation to the Tribunal. Challenging the said order, newly elected president, who is the petitioner herein, filed the present writ petition.

The learned counsel for the petitioner submits that in view of the liberty given to the second respondent in the earlier order dated 01.05.2015, the second respondent was correct in passing the revised order and holding the meeting for conduct of election to the post of president wherein the petitioner was elected as president. The learned Government Pleader for Cooperation supported his contention.

The learned counsel appearing for the sixth respondent submits that the petitioner before this Court is not a party to the proceedings in CTA No.1 of 2015 and the present writ petition is not maintainable.

The removal of the sixth respondent pursuant to the no confidence motion held on 17.01.2015 is not in dispute. However, the sixth respondent filed CTA No.1 of 2015 before the Tribunal and the same is pending. The sixth respondent availed the remedy of appeal and it is not known the ground on which the sixth respondent filed the appeal. However, when the notice issued on 17.01.2015 by the second respondent was challenged in the interlocutory application, the Tribunal earlier passed an order in I.A.No.1 of 2015 on 01.05.2015 holding that the order passed on 17.01.2015 by the second respondent was irregular, but gave liberty to pass the revised order and accordingly revised order was passed on 18.05.2015. Now, the Tribunal took an objection to passing of such order by the second respondent on the ground that the second respondent has not taken permission from the Tribunal, ignoring its earlier order giving liberty to the second respondent. In the circumstances, it cannot be held that the order passed by the second respondent on 18.05.2015 is irregular.

With regard to the objection raised by the learned counsel for the sixth respondent that the petitioner is not a party to the proceedings is of no consequence, as the petitioner was elected as president of the society subsequent to the order of the second respondent dated 18.05.2015 and the petitioner can bring it to the

notice of this Court that the illegality was committed by the Tribunal in passing the order in I.A.No.23 of 2015 dated 07.07.2015 as he is an aggrieved party. Though the appeal preferred by the sixth respondent in CTA No.1 of 2015 is pending before the Tribunal, this Court feels that the order passed by the Tribunal in I.A.No.23 of 2015 dated 07.07.2015 can be reviewed at the instance of the petitioner, who was elected as president of the fourth respondent-society subsequently.

In the circumstances, the writ petition is allowed setting aside the order passed by the fifth respondent-Tribunal in I.A.No.23 of 2015 dated 07.07.2015. There shall be no order as to costs. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 10.08.2015
Isn