

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

THURSDAY, THE NINETH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9647 of 2015

Between:

Nennela Narsaiah and 2 others

..... PETITIONERS

AND

The State of Telangana,

Rep.by its Secretary,

Fisheries Department, Secretariat,

Hyderabad and 7 others

.....RESPONDENTS

The Court made the following:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9647 of 2015

ORDER:

The grievance of the petitioners is that they were members of the 8th respondent Society, but were unlawfully removed, hence, as per the directions of

this Court, an enquiry was conducted by the Divisional Cooperative Officer, Mancherial, who gave a report with a specific opinion that the membership given to 25 members and their share capital which was already remitted are deemed to be recognized as Society Members, as per the bye laws. However, after, the said report was stated to have been given to 6th respondent-the District Cooperative Officer/Joint Registrar for further action. It is stated that this Court also gave a direction in W.P.No.32644/2014 dated 13.10.2014 to decide the dispute existing between the petitioners and the respondents within three months.

Learned counsel for the petitioners states that however no further action is taken and the petitioners' membership is still not restored.

However, recently, under the impugned proceedings dated 26.03.2015, the Assistant Director of Fisheries, Adilabad District, Nirmal Head Quarters addressed a letter to the Divisional Cooperative Officer, Manchiryal to issue suitable orders to conduct elections to the Managing Committee of the 8th respondent Society. Questioning the said proceedings, the present writ petition is filed, primarily on the ground that the petitioners' membership has to be first restored and then elections be held.

Learned Government Pleader for Fisheries has received instructions. However, even as per the averments of the petitioners, their membership was not restored as on today. Hence, so far as the 8th respondent society is concerned, they are strangers.

The membership of the petitioners is required to be considered for restoration in terms of the report of the Divisional Cooperative Officer, Manchiryal. As long as they are not restored as members of the 8th respondent Society, they cannot object to holding of the elections, as they are, as on today, third parties to the 8th respondent society. In that capacity, they have hardly any *locus* to object to holding of the elections. Hence, the petitioners are at liberty to take such further steps for restoration of their membership. However, elections, as proposed, as per the impugned proceedings, may go on.

The Writ Petition is accordingly disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

VILAS V. AFZULPURKAR,J

Date: 09.04.2015

Dsr