

*** THE HON'BLE SRI JUSTICE R. KANTHA RAO**

WP NO.3957 OF 2015

Date: 10.03.2015

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% Date: 10.3.2015

WRIT PETITION NO.3957 OF 2015

Between:

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

...Petitioners

And

The Telangana Cooperative Tribunal, Warangal and others

...Respondents

! Counsel for the Petitioner : Sri T. Sudhakar Reddy

^ Counsel for respondents : G.P. for Cooperation and Fisheries (TG)

^ Counsel for respondent No.3 : Sri Ponnampati Ashok Goud.

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? Cases cited:

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Oral Order :

Heard the learned counsel for the petitioner-society and the learned counsel for the respondents.

The unofficial respondents herein are fishermen who directly applied to the Registrar of Co-operative Societies, Jagtial, 2nd respondent herein, seeking membership of the petitioner society. The Registrar of Co-operative Societies has directly admitted them as members of the society by order dated 6.1.2014. The said order was challenged by the petitioner society by way of appeal under Section 76 A.P. Co-operative Societies Act, 1964 (for short "the Act") bearing CTA No.9 of 2014 before the Cooperative Tribunal, Warangal-1st respondent herein. The Cooperative Tribunal by its order

dated 9.2.2015 dismissed CTA No.9 of 2014 by a speaking order. The present writ petition is filed assailing the said order passed by the Cooperative Tribunal.

The short question which falls for consideration in this writ petition is whether the Registrar can directly admit the respondents as members of the society.

Section 19(2-A) of the Act reads as follows :

“ (2-A) Any person duly qualified for admission as a member under the provisions of this Act, the rules and the bye-laws, may apply through the Registrar for membership of such societies and in such forms as may be prescribed and such person shall be deemed to have been admitted as a member of the society from the date of receipt of the application in the office of the society.”

Similar issue fell for consideration before the Division Bench of this Court in **FISHERMEN CO-OP. SOCIETY KONDAIR VILLAGE v. COMMISSIONER OF FISHERIES** , wherein the it was held as follows :

“ 7. In the instant case, it is clear from the order passed by the Assistant Director that having received the applications from those persons intending to enrol themselves as members in the appellant-Fishermen Co-operative Society, the same were sent to the society as is required under Section 19(2-A) of the Act but the society failed to acknowledge the same. The society infact refused to receive the same. Refusal to receive the applications, in our considered opinion, would amount to receipt of the application in the office of the society. It is under those circumstances, the Assistant Director, passed the impugned order declaring that the persons intending to enrol themselves as members in the appellant Fishermen Co-operative Society shall be deemed to have become the members of the society.”

Learned counsel for the petitioner mainly argues that even if

applications have been submitted to the Registrar by the respondents-fishermen directly, the Registrar ought to have forwarded them to the petitioner-society and the petitioner-society in turn has to consider the applications according to its byelaws. 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) of the Act, this Court is of the considered view that there is no such requirement, since 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. I see absolutely no merit in the writ petition and the same is dismissed at the admission stage.

JUSTICE R. KANTHA RAO

Kk/Dated 10.3.2015

Note : LR Copy to be marked

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