

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

W.P.No.38948 of 2014

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Fisheries appearing for the respondent

Nos.1 to 3.

2. In this Writ Petition, the petitioner-society had questioned proceedings No.657/A2/2012 dt.18-11-2014 of 2nd respondent, whereunder 2nd respondent directed 3rd respondent to conduct a detailed enquiry with regard to admission of 45 new members by the President of the petitioner-society.

3. It is not in dispute that these 45 persons had been admitted prior to June 2014 by the President of the petitioner-society and representation dt.03-06-2014 of 4th respondent was submitted to 2nd respondent on 03-06-2014 questioning their very admission as members.

4. In the impugned order, 2nd respondent acted upon the said representation dt.03-06-2014 made by 4th respondent seeking enquiry into the admission of 45 new members by the President of the Society and directed conduct of detailed enquiry with reference to the records of the society and also to see whether rules and

procedure framed under the provisions of the AP Cooperative Societies Act, 1964 were followed by the President of the petitioner-society while admitting new members into the said society.

5. Sri N.Siva Reddy, learned counsel for the petitioner, contends that election to the Managing Committee of the society was held on 05-11-2014, that a new Managing Committee had already been elected and no objection regarding admission of these 45 new members, whose names were indicated in the voters list, was raised by 4th respondent and therefore there cannot be any enquiry into their admission at this point of time after the election was concluded.

6. Although this argument looks attractive on deeper scrutiny, it cannot be accepted. This is because long prior to the election to the Managing Committee of the petitioner-society on 05-11-2014, the 4th respondent had complained on 03-06-2014 itself about the admission of 45 new members to 2nd respondent. The 2nd respondent however did not do anything till after the election was completed on 05-11-2014.

7. In this view of the matter, it cannot be said that the enquiry directed by 2nd respondent through 3rd respondent into the admission of the 45 new members to

the petitioner-society is vitiated.

8. When this Court granted interim order on 18-12-2014, this Court was under an impression that there was no complaint in the representation dt.03-06-2014 submitted by 4th respondent about admission of the 45 new members into the petitioner-society by the President of the said society. However, on reading of the said representation which is filed in the material paper as Ex.P-4, it is clear that the admission of these 45 new members was specifically questioned therein.

9. I therefore do not find any merit in the Writ Petition and it is accordingly dismissed. Interim order granted on 18-12-2014 in W.P.M.P.No.48798 of 2014 stands vacated and W.V.M.P.No.528 of 2014 filed by the respondent Nos.1 to 3 and W.V.M.P.No.3222 of 2015 filed by 4th respondent stand allowed. No costs.

10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-12-2015

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