

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.34996 of 2015

ORDER:

Heard the learned counsel for petitioner, the learned Government Pleader for respondents 1 and 2 and the learned counsel for respondents 4 and 5.

2. The petitioner is the President of the third respondent Society who was elected as such on 11.02.2013. On a complaint made by the Treasurer and Director of the third respondent Society alleging mis-utilization of the funds of the Society, the second respondent issued a notice on 22.09.2015, for which, the petitioner submitted his reply on 03.10.2015. The second respondent, without furnishing a copy of the report submitted by the enquiry authority, issued a show cause notice to the petitioner on 03.10.2015 proposing to take action under Section 21-AA of the A.P. Cooperative Societies Act, 1964. Challenging the same, the petitioner earlier filed W.P.No.33478 of 2015 and this Court on 09.10.2015 in WPMP.No.43168 of 2015 in WP.No.33478 of 2015, while admitting the case, passed an order expressing disinclination to interfere with the show cause notice, but directing the second respondent to furnish a copy of the report dated 29.09.2015 to the petitioner within one week and the petitioner was given liberty to submit his explanation within a period of two weeks thereafter. The said order was passed on 09.10.2015, but the same could not be communicated to the second respondent. In the meanwhile, the second respondent passed an order on 13.10.2015 removing the petitioner as member of the Managing Committee and also appointing a committee of persons in-charge on the ground that the petitioner as well as four other Directors were disqualified. Challenging the said order, the petitioner filed W.P.No.34994 of 2015 and also the present Writ Petition.

3. In view of the order passed in WPMP.No.43168 of 2015 in WP.No.33478 of 2015 dated 09.10.2015, it cannot be said that the petitioner

ceased to be a member of the Managing Committee. Though the other four Directors have not filed any Writ Petition, since the members of the Managing Committee are nine, it cannot be held that the Managing Committee is reduced to minority warranting appointment of persons in-charge committee.

4. In the circumstances, the impugned order dated 13.10.2015 appointing persons in-charge committee is contrary to law and is accordingly set aside.

5. The Writ Petition is, accordingly, allowed at the admission stage. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 27.10.2015
TJMR