

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.40660 of 2015

ORDER :

This Writ Petition is filed challenging the order dt.04.12.2015 in I.A.No.202 of 2015 in CTA.SR.No.651 of 2015 of the 2nd respondent.

2. The petitioner alleges that she is a member of 1st respondent-Society and that without any prior notice to her she was expelled from the Membership of the Society by a General Body Meeting of the said Society by a resolution passed on 05.04.2015. The petitioner further alleges that she came to know about the said resolution only subsequently, and questioned the same by filing an appeal before the 2nd respondent along with an application for condonation of delay.

3. According to petitioner, the appeal was numbered as CTA.SR.No.651 of 2015, and the delay condonation petition was numbered as I.A.No.202 of 2015.

4. Notice in the said I.A. appears to have been issued to 1st respondent, and counter also appears to have been filed by 1st respondent.

5. The impugned order dt.04.12.2015 has been passed by 2nd respondent without adverting to either the

contention of petitioner or to the stand of 1st respondent, and without giving any reasons he held “*petition not maintainable since there is no specific order to petitioner*”.

6. This order is assailed in the Writ Petition on the ground that it is cryptic; that it does not refer to the contention of either party; and no adequate reasons are given in support of the findings of the 2nd respondent that the petition is not maintainable.

7. Although the counsel for 1st respondent sought to contend that the order is justified in view of the plea taken by 1st respondent in the counter-affidavit, since the impugned order is bereft of reasons and is cryptic, it cannot be sustained. Therefore, the Writ Petition is allowed and the order dt.04.12.2015 in I.A.No.202 of 2015 in CTA.SR.No.651 of 2015 of the 2nd respondent is set aside, and 2nd respondent is directed to pass a fresh reasoned order in accordance with law after complying with the principles of natural justice, and communicate the same to petitioner as well as 1st respondent.

8. This exercise shall be completed within a period of eight (08) weeks from the date of receipt of a copy of this order. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-12-2015

Ndr/*