

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.38311 of 2015

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ORDER:

Heard Sri P. Gangaiah Naidu, learned Senior Counsel, representing Smt. Bobba Vijaya Lakshmi, learned counsel for the petitioner, learned Government Pleader for Cooperation appearing for respondent Nos.1 to 3, and Sri K. Rathangapani Reddy, learned counsel for respondent No.5.

2. In this writ petition, the petitioner assails the order dt.16.11.2015 in M.A.No.32 of 2015 in O.A.No.40 of 2015 passed by the A.P. Cooperative Tribunal, Vijayawada.

3. The said O.A. was preferred by the petitioner under Section 76 of the A.P. Cooperative Societies Act, 1964, questioning the order dt.04.11.2015 in R.C.No.1416/14-C passed by the 3rd respondent, pursuant to which, the 3rd respondent had removed him from the post of President of the 4th respondent-Society, on the basis that a 'No Confidence Motion' moved by the Managing Committee of the 4th respondent-Society was passed in a Meeting held on 04.11.2015 in the premises of the said Society.

4. The petitioner has raised several grounds challenging the order dt.04.11.2015 in the appeal O.A.No.40 of 2015 filed before the A.P. Cooperative Tribunal, Vijayawada. The petitioner had also filed M.A.No.32 of 2015 in O.A.No.40 of 2015 seeking suspension of the order dt.04.11.2015 of the 3rd respondent.

5. The 5th respondent opposed the said application.

6. By impugned order dt.16.11.2015, the said Tribunal declined to pass any interim order and dismissed the said application, holding that *prima-facie*, it did not find any irregularity or illegality in the conduct of the Meeting on 04.11.2015, wherein the 'No Confidence Motion' was passed against the petitioner.

7. Although learned counsel for the petitioner sought to persuade this Court that the impugned order dt.16.11.2015 requires to be set aside and the order dt.04.11.2015 passed by the 3rd respondent deserves to be suspended, having regard to the fact that several contentions raised by the petitioner can appropriately be answered by the Tribunal after taking evidence, and since I do not find any perversity or error of jurisdiction in the impugned order dt.16.11.2015 passed by the Tribunal declining to grant suspension of the order dt.04.11.2015 passed by the 3rd respondent, I am not inclined to interfere with the said order of the Tribunal.

8. Therefore, the Writ Petition is dismissed, directing the A.P. Cooperative Tribunal, Vijayawada, to dispose of O.A.No.40 of 2015 pending on its file, within a period of three months from the date of receipt of a copy of this order. Learned counsel for the petitioner as well as the learned counsel for 5th respondent had assured that they would cooperate for early disposal of the said O.A.

9. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

M.S. RAMACHANDRA RAO, J

25.11.2015.

NOTE: Issue C.C. in one week.

(B/O)

Msr

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

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25.11.2015

Msr