

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.20536 of 2015

ORDER:

The petitioner is the President of P.T.M.Primary Agricultural Cooperative Society of Guggillapalle Village, Navabu Kota of PTM Mandal in Chittoor District. He was elected unanimously on 02.02.2013. While so, the impugned notice was issued by the first respondent on 25.06.2015 to the Directors of the Society to attend the meeting on 13.07.2015 to consider the no confidence motion against the petitioner. Challenging the said notice, the present Writ Petition is filed.

This Court called for the record relating to the impugned notice and it is noticed that initially the three Directors mentioned in paragraph 1 of the impugned notice alone gave a requisition for no confidence motion, based on which proceedings were taken. Later on it appears that nine members submitted a representation to the respondents expressing their grievance. Subsection (2) of Section 34-A of the Andhra Pradesh Co-operative Societies Act, 1964 (for short, the Act), reads as follows:

“(2) A written notice of intention to make the motion, in such form as may be prescribed, signed by not less than one-half of the total number of members of the Committee together with a copy of the proposed motion shall be delivered in person, by any two of the members signing the notice, to the Registrar having jurisdiction over the Society.”

In view of the non-compliance with the above Section, the impugned notice dated 25.06.2015 is set aside, and the Writ Petition is allowed. However, this will not prevent either the Directors of the Society or the respondents from taking necessary action under Section 34-A of the Act in accordance with law. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

10.07.2015
vs