

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

* * * *

WRIT PETITION No.26115 of 2015

Between:

A.Srimannarayana Reddy

....Petitioner

and

The Deputy Registrar of Cooperative Societies,
Proddutur, Kadapa District,
And others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 18.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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ORDER:

The fourth respondent society has 13 Directors in the Managing Committee. Out of the said 13 Directors, 7 Directors resigned on their own, and the said resignation has to be accepted by the Managing Committee as per Rule 23-AAA (3) of the Andhra Pradesh Co-operative Societies Rules, 1964 (for short, the Rules). When the non-resigned Members are reduced to minority, the Managing Committee does not exist and the acceptance of resignation by the majority does not arise. In that event, sub-rule (5) of Rule 23-AAA of the Rules comes into play

and enables the Registrar of Cooperative Societies to hold elections and till the new Managing Committee takes charge the Registrar may appoint person incharge or direct the Managing Committee to continue to discharge their functions till the elections are held and the new Managing Committee takes charge.

In the instant case, the Registrar issued the order on 12.08.2015 appointing the fifth respondent as Person-In-Charge by holding that it is not possible to call general meeting for the purpose of conducting elections of members of the committee. The appointment was made for a period of six months or till the elections are conducted to the Managing Committee of the society.

Learned Senior Counsel appearing for the petitioner submits that an option is given to the Registrar to appoint a Person-In-Charge or direct the minority members to continue as Person-In-Charge till elections are held and without properly exercising that discretion, he passed the impugned order.

When the Rules provide for exercise of discretion, it is for the authority to exercise that discretion and this Court, *prima facie*, feels that discretion was properly exercised in the facts and circumstances of the case by appointing the fifth respondent as Person-In-Charge.

At this stage, learned Senior Counsel submits that, though the elections to the Members of the Managing Committee could not be held immediately, this Court can direct conduct of elections to the Managing Committee as early as possible.

In the circumstances, the Writ Petition is disposed of directing the first respondent to conduct elections to the Managing Committee, within a period of three months from the date of receipt of a copy of this order. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

18.08.2015
vs

(A.RAMALINGESWARA RAO, J)