

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.34994 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 the impugned order on 13.10.2015 removing the petitioner as member of the Managing Committee of the third respondent Society. Challenging the same, the present Writ Petition is filed.

3. In view of the earlier order dated 09.10.2015 passed by this Court in WPMP.No.43168 of 2015 in WP.No.33478 of 2015, the petitioner is entitled to submit his explanation on receiving a copy of the report dated 29.09.2015 from the second respondent. Since the said order was passed on

09.10.2015 and was communicated only on 13.10.2015 to the second respondent, the second respondent could not implement the said order in true letter and spirit and passed the impugned order.

4. In the circumstances, the impugned order dated 13.10.2015 passed by the second respondent is set aside giving liberty to the petitioner as well as to the second respondent to implement the order in WPMP.No.43168 of 2015 in WP.No.33478 of 2015 dated 09.10.2015 and take further action. However, the second respondent shall not pass final orders until further orders in W.P.No.33478 of 2015.

5. The Writ Petitions 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