

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.9360 of 2012

-

Dated 29th July, 2015

Between:

The Indian Leaf Tobacco Development Company Staff Co-operative Industrial
House Construction Society Limited

...Petitioner

And

The District Registrar of Assurance, Ongole and Markapur, Prakasam District and
others

...Respondents

Counsel for the petitioner: Smt.Bobba Vijayalakshmi

Counsel for the respondents: AGP for Co-operation (AP)

The Court made the following:

ORDER:

The petitioner, which is a Co-operative Society, filed this writ petition feeling aggrieved by the proceedings in Rc.No.236/2012 D, dated 10.02.2012 and 05.03.2012, addressed by respondent No.3 to respondent Nos.1 and 2, directing that henceforth whenever registration of plots of house building societies is sought to be done, the latter shall not register the same without obtaining permission from the

Deputy Registrar/Divisional Co-operative Officer/Joint Registrar/District Co-operative Officer, Ongole concerned.

Though two affidavits were filed by the incumbent of respondent No.3, who has addressed the impugned letters, neither of them has referred to and relied upon the statutory provision constituting the basis for him to address the same which has the effect of curtailing the power of the Co-operative Societies to register the plots in favour of its members. Even at the hearing, the learned Assistant Government Pleader for Co-operation is unable to rely upon any provision under which the restrictions imposed by respondent No.3 on registration of plots could be justified.

In my opinion, the petitioner being a body corporate cannot be prevented from exercising its power on registration of plots in favour of its members strictly in accordance with its byelaws, in the absence of any statutory provision vesting power in respondent No.3 to impose such restrictions. In this view of the matter, the impugned proceedings which are wholly without any jurisdiction are quashed.

The writ petition is accordingly allowed.

As a sequel to disposal of the writ petition, W.P.M.P.No.11839 of 2012 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

29th July, 2015

VGB