

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16465 of 2016

ORDER:

Heard Mr. Nuthalapati Krishna Murthy for petitioners and Mr. P. Subhash for respondents 1 to 3.

2. Petitioner challenges proceedings Rc.No.170/95/BC-B/09 dated 10.05.2016 and the operative portion reads thus:

“In view of the recommendations of the Enquiry Officer, the Previous and Present Managing Committee of the Guntur Pattana Rajakajana Seva Sangham, Yerracheruvu (Regd.No.236/85) is hereby cancelled. Sri J.P.D. Tandon, Assistant Registrar, O/o the Sub Divisional Officer, Guntur is hereby appointed as CARE TAKER to look after the affair of the Guntur Pattana Rajakajana Seva Sangham, Yerracheruvu, Guntur until completion of enquiry.”

3. The challenge is two fold, firstly, the proceeding is issued without notice to petitioner and the participation of petitioner, if any, in the enquiry conducted cannot and could not be treated as due compliance with the requirement of principles of natural justice while passing the order under challenge. Secondly, the challenge is that the second respondent is not either by an explicit provision of law or by necessary implication is having jurisdiction to cancel the managing committee and appoint the third respondent as care taker under the Act.

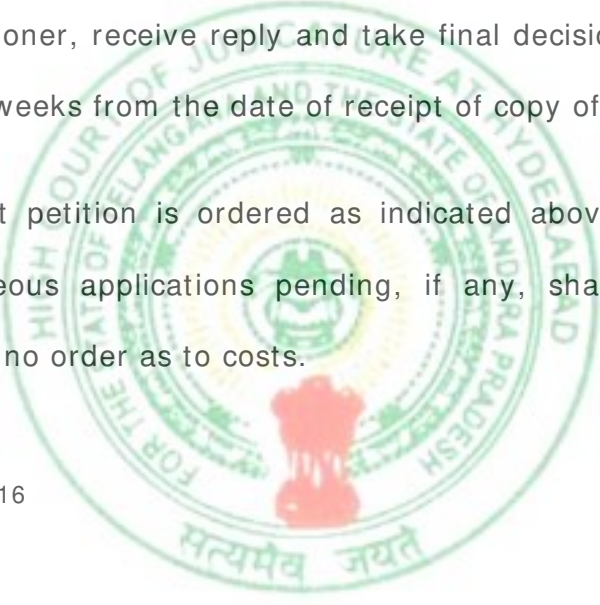
4. Mr. P. Subhash, appearing for respondents 1 to 3, admits that the proceeding impugned in the writ petition, no doubt, does not refer to issue of notice by second respondent. According to him, once the

petitioner society is receiving funds/other benefits in the form of loans etc. the petitioner society is bound by the overall administrative and supervisory control of second respondent. He fairly submits that the second respondent can be directed to reexamine the entire issue within a definite time frame after issuing notice to petitioner.

5. On the ground that the petitioner is not put on notice before passing the proceeding impugned in the writ petition, the proceeding dated 10.05.2016 is set aside, matter remitted to second respondent for consideration afresh in accordance with law and facts and circumstances of the case. The second respondent is directed to issue notice to petitioner, receive reply and take final decision in the matter within six (6) weeks from the date of receipt of copy of this order.

The writ petition is ordered as indicated above. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

November 17, 2016
DSK


S. V. BHATT, J