

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22188 OF 2016

ORDER:

The communication dated 20.06.2016 of the 2nd respondent to the petitioner-Society informing that the General Body Meeting of the petitioner-society would be held on 13.07.2016 at 3.00 p.m. at Madam Anjaiah Function Hall, Kachiguda, Hyderabad, is challenged before this Court.

It is the case of the petitioner that land admeasuring Acs.189.11 in survey Nos.36 and 37 of Gopanapally Village, Sherlingampally Mandal of Ranga Reddy District was allotted to the petitioner-Society, which is to be developed and plotted. There are various litigations pending with respect to the said lands and the said land was also stated to have been resumed by the first respondent-Government. Questioning the same, writ petitions are filed before this Court and the same are pending wherein various interim orders have been made. While so, certain members of the petitioner-Society vide letter dated 05.01.2016 addressed to the petitioner-Society desired the Society to convene a General Body Meeting for consideration of feasibility of bifurcation of the petitioner-Society. A copy of said letter was also marked to the

2nd respondent. Pursuant to the same, the 2nd respondent vide communication dated 27.01.2016 directed the petitioner to conduct a General Body Meeting of the Society. In response to the same, petitioner-Society addressed a detailed letter dated 24.02.2016 to the second respondent narrating the difficulty in convening the General Body Meeting, which reads as follows:

“..... it is claimed that the representation consists of 866 Members/40 pages. Actually, the number is not 860, but only 765. On scrutiny of names and signatures with reference to the Society's record, it is revealed as follows:

(1) Some names have been entered twice and

some
thrice.

- (2) Names of members who have withdrawn the membership in the Society are also found in the list.
- (3) Some signatures are not tallied when compared with that of their admission application.
- (4) Expired members signatures are also found in the list.
- (5) Some members have signed short signatures which is not identifiable.”

In view of the above lapses, we have to verify the correctness of membership, verification of signature as signed in the application for membership.

In view of the above situation, it may take some more time to verify the concerned record, consult our legal counsel and to take a decision on the representation. We will intimate the opinion of the Society after full verification and after consulting our legal counsel.”

Subsequently, the petitioner-Society addressed another letter dated 21.03.2016 to the 2nd respondent elaborately putting forth the difficulties in convening the General Body Meeting wherein in addition to the reasons explained in letter dated 24.02.2016, it was explained by the petitioner that various litigations are pending with respect to the allotted lands and the bank accounts of the petitioner-Society have also been freezed. The gist of the submissions is that the assets of the Society are all jeopardized on account of various litigations and at this stage it is not possible to bifurcate the Society as the assets and liabilities also need to be bifurcated. However, without considering the letters of the petitioner dated 24.02.2016 and 21.03.2016, the second respondent on the ground that the petitioner had failed to convene the meeting as directed in letter dated 27.01.2016, had passed the impugned order.

Heard the learned counsel for the petitioner, Mr.Sanjay, learned Special Government Pleader, and Sri Ravi Mahendra for 4th respondent.

At the outset, it may be noted that the 4th respondent has no *locus standi* with respect to the affairs of the Society. However, it is explained by the petitioner's counsel that since the 4th respondent had filed a caveat it was made as a party respondent in the writ petition.

Sri Ravi Mahendra submits that the 4th respondent is only an Association of the members, who have requisitioned for convening the General Body Meeting. In that view of the matter, the requisition is required to be considered on its own merits. However, when the objections are raised by the petitioner-Society explaining the reasons as to why the General Body Meeting could not be and cannot be convened at a given point of time, there is a duty cast on the 2nd respondent to address to the objections raised/reasons submitted by the petitioner-Society by objectively considering the material placed before him. It is fairly conceded by all the parties that non-consideration of the material that has been placed before the second respondent and convening the meeting as stated in the impugned order may not be proper at this stage.

In those circumstances, as all the parties are in agreement that the second respondent to consider the objections raised/reasons put forward by the petitioner for its inability to convene the General Body Meeting at this point of time, the writ petition is disposed of with a direction to the 2nd respondent to consider the objections raised by the petitioner-Society and after hearing the petitioner and requisitionists, if any of them choose to do so. It is needless to mention that the 2nd respondent shall consider the objections in an objective manner keeping in view the welfare of the members of the Society and strictly keeping in view the provisions of Section 11 of the Andhra Pradesh Mutually Aided

Co-operative Societies Act, 1995, and Rules made thereunder.

Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

Challa Kodanda Ram, J

12th July, 2016.
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