

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.29691 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus declaring the inaction on the part of the second respondent in disposing of the representation dated 31.5.2016 of the petitioner as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Co-operation (Telangana) representing respondent Nos.1 to 3.

3. A perusal of the record reveals that the petitioner is the Member of the third respondent – Vijaya Nagar Colony Paraspara Sahayaka Sahakara Podupu Parapathi Sangam Limited, Hanamkonda. It is the case of the petitioner that some members of the Society, by taking the Management of the Society into their hands, have committed serious financial irregularities. The petitioner and thirty (30) other members of the Society submitted a representation dated 31.5.2016 to the second respondent to enquire into the financial irregularities committed by the Management of the Society. For one reason or the other, the second respondent has not taken any action on the representation of the petitioner and other members.

4. Sub-section (2) of Section 29 of the Andhra Pradesh Mutually Aided Co-operative Societies Act, 1995 (for short, the Act) reads as follows:

29. Inquiry:- (1) ... omitted ...

(2) The Registrar may, of his own motion, and shall on the application, of a federation to which the Co-operative Society concerned is affiliated, or of a creditor to whom the Co-operative Society is indebted or of not less than one-third of the Director, or of not less than one-tenth of the members, hold an inquiry or cause an inquiry to be made into the specific matter or matters relating to any gross violation of any of the provisions of this Act by the Co-operative Society.

A perusal of the above provision makes it clear that the Registrar i.e., second respondent herein, either *suo motu* or on the application of one-third of Directors or one-tenth of Members of the Society can hold inquiry with regard to any specific allegations made against the Society. The case of the petitioner is that he is the Member of the Society and that he along with thirty other Members of the Society made representation to the second respondent to enquiry into financial irregularities committed by the other Members of the Society. Whether the petitioner and others are the Members of the third respondent Society or not is purely a disputed question of fact, which cannot be decided while exercising jurisdiction under Article 226 of the Constitution of India.

5. At the time of the arguments, the only relief sought by the learned counsel for the petitioner is to direct the second respondent to dispose of the representation of the petitioner dated 31.5.2016. The learned Assistant Government Pleader also consented for disposal of the representation by the second respondent. In view of the submissions made by the learned counsel for both the parties, without going into merits of the case, the second respondent is hereby directed to consider and dispose of the representation of the petitioner dated 31.5.2016 in the light of Sub-section (2) of Section 29 of the Act, as expeditiously as

possible, preferably within a period of one month from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

T.SUNIL CHOWDARY, J

September 06, 2016.
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