

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.34877 of 2016

ORDER:

Heard Mr. L. Prabhakar Reddy for petitioner, learned Government Pleader (Cooperation) and Mr. W.B. Srinivas.

2. Petitioner challenges Lr.No.1229/2016-B dated 29.09.2016 as contrary to Section 34(A) of the Telangana Cooperative Societies Act, 1964.

3. On 17.10.2016, the following interim order was passed:

"Notice before admission.

Post on 26.10.2016.

Section 34(A) of the Cooperative Societies Act, 1964 reads thus:

"34(A). Motion of non-confidence in the President and Vice-President of the Committee:-

(1) A motion expressing want of confidence in the President and Vice-President of a Committee may be made in accordance with the Procedure laid down in the following sub-sections.

(2) A written notice of intention to make the motion, in such form as may be prescribed, signed by not less than one-half of the total number of members of the committee together with a copy of the proposed motion shall be delivered in person, by any two of the members signing the notice, to the Registrar having jurisdiction over the Society.

(3) The Registrar shall then convene a meeting for the consideration of the motion at the office of the society on a date appointed by him which shall not be later than 30 days from the date on which the notice under sub-section (2) was delivered to him, he shall give to the members notice of not less than fifteen clear days of such meeting in such manner as may be prescribed."

The grievance of petitioner is that through the notice impugned in the writ petition, the 3rd respondent is proposing to convene the meeting at Gram Panchayat Office, Nakrekal. The same is impermissible and contrary to the explicit language of Section 34(A) of the Act.

Learned Assistant Government Pleader from the material available on record submits that the Society does not have a registered office, therefore, it is but natural to conduct the meeting at the office of Gram Panchayat, Nakrekal.

After seeing the statutory requirement, the submission now canvassed by the learned Government Pleader and the absence of such statement in the impugned notice, I am satisfied the proposed meeting is contrary to the rigor of Section 34(A) of the Act.

There shall be stay of all further proceedings pursuant to notice dated 29.09.2016 for a period of two weeks.

Post on 26.10.2016 in motion list.”

4. Learned Government Pleader submits that with the interim order dated 17.10.2016 the scheduled no-confidence motion could not be convened. Therefore, he seeks leave of the Court to give liberty to respondents 2 and 3 to proceed on the request of members of society for initiating action on no confidence voiced against the petitioner. Learned Government Pleader submits that the interim order can be made final order and the writ petition accordingly disposed of.

5. The interim order dated 17.10.2016 is made as final order in the writ petition. Liberty to respondents, as prayed for, is granted in the no confidence issue pending against the petitioner. It is for respondents 2 and 3 to secure the details/information as is warranted from the petitioner as well as members of the society and proceed accordingly.

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

S. V. BHATT, J

October 26, 2016/DSK