

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

Writ Petition Nos. 839 of 2015; 34287 of 2014 and 34087 of 2015

Date:19.04.2016

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Writ Petition No. 839 of 2015

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Between:

K. Somashekar Rao,
Nizamabad District.

.....Petitioner

And

State of Telangana,
Represented by the Principal Secretary for Agriculture
And Cooperation (Coop.I) Department,
Hyderabad and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE P. NAVEEN RAO

Writ Petition Nos. 839 of 2015; 34287 of 2014 and 34087 of 2015

PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the petitioners, petitioner-in-person in Writ Petition No. 34087 of 2015 and Sri Sharat, learned Special Government Pleader for the respondents.

All the three writ petitions challenge two Government (routine) Orders bearing G.O. Rt. Nos. 399 and 262, mainly on the ground that the State Government had no authority in law to issue these orders.

By G.O. Rt. No. 399, issued on 31.5.2014, the erstwhile State of Andhra Pradesh bifurcated the Andhra Pradesh Marketing Federation Limited (for short 'the Marketing Federation') into Andhra Pradesh Marketing Federation and the Telangana Marketing Federation. From perusal of the G.O.Rt. No. 399, it appears that the original Marketing Federation was divided into two Marketing Federations by the erstwhile State Government in exercise of powers under the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Cooperative Societies Act'). Insofar as G.O.Rt. No. 262, dated 27.5.2015 is concerned, by this order, the Government of Telangana appointed persons-in-charge of the Telangana Marketing Federation in exercise of the powers conferred under Section 32 (7)(a)(i) of the Cooperative Societies Act.

Mr. G.M. Mohiuddin, learned counsel for the petitioner in the first writ petition, at the outset, submitted that once the Andhra Pradesh Re-organization Act, 2014 (for short 'the Re-organization Act) came into force,

the State of Andhra Pradesh had no authority in law or jurisdiction, in issuing G.O.Rt. No. 399, dated 31.5.2014. He submitted that after the Re-organization Act came into force, the provisions contained in the Multi State Cooperative Societies Act only would apply and since both the Government Orders (routine) were issued under the provisions of the Cooperative Societies Act, they deserve to be set aside. Lastly, he submitted that the petitioners were elected for a fixed term of five years and in view thereof, the Government cannot curtail the term and appoint person-in-charge Committee by issuing the impugned Government Orders (routine). Similar submissions were made by learned counsel appearing in another writ petition and the petitioner in person.

In our opinion, all the three submissions made on behalf of the petitioners deserve to be rejected outright. It is true that the Re-organization Act received assent of the President on 1.3.2014. It is equally true that the erstwhile State of Andhra Pradesh was bifurcated and the State of Telangana was formed on and from 2.6.2014, i.e., the appointed day, within the meaning of Clause (a) of Section 2 of the Re-organization Act. In short, the erstwhile State of Andhra Pradesh stood bifurcated into the State of Telangana and the State of Andhra Pradesh, on and from 2.6.2014. Learned counsel for the petitioners could not and did not point out any provision in the A.P. Reorganization Act, 2014, that for the period between 1st of March, 2014 and 1st of June, 2014, the erstwhile State Government had no authority in law to pass any orders, much less, the orders under the provisions of the Cooperative Societies Act.

We have perused the provisions of the Cooperative Societies Act, which clearly empower the concerned society to pass a resolution seeking their transfer, division or amalgamation, and if any such resolution is passed, there is no prohibition to act on the same. We are not going into further details since the provisions of the Cooperative Societies Act are not under challenge. The challenge to the Government Orders (routine) is only on the

aforementioned three grounds. In the circumstances, first submission that the erstwhile Government of Andhra Pradesh had no jurisdiction to issue Government Order, G.O. Rt. No. 399, dated 31.5.2014, deserves to be rejected outright. Similarly, the provisions of the Multi State Cooperative Societies Act would also have no application to the facts of the present case since the Society was divided before the bifurcation of the erstwhile State of Andhra Pradesh. Insofar as the last submission is concerned, since the State Government has followed the due procedure contemplated under the provisions of the Cooperative Societies Act, we do not find any reason to interfere with the same.

In the circumstances, the writ petitions are dismissed.

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

P. NAVEEN RAO, J

19th April, 2016

Note:

Furnish urgent copy.

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