

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.3965 of 2016

Date: 09.02.2016

Between:

Mohammad Suleman and 4 others

.. Petitioners

and

The State of Andhra Pradesh
rep. by its Prl.Secretary
Panchayat Raj Dept.,
Hyderabad and 9 others

.. Respondents

Counsel for the petitioners :

Mr.P.Kesava Rao

Counsel for respondent Nos.1, 2 4 & 6:

AGP for Panchayat Raj

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Counsel for respondent No.3:

AGP for Revenue

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The Court made the following:

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Order:

This Writ Petition is filed for a Mandamus to

declare the inaction of respondent Nos.2 to 8 in considering and passing appropriate orders in pursuance of representations, dated 09-03-2015 and 17-03-2015 against respondent Nos.9 and 10 respectively in terms of G.O.Ms.Nos.67 and 274 Panchayat Raj & Rural Development (PTS.IV), dated 26.02.2002 and 12.06.2007 respectively, and Section 44 of the Andhra Pradesh Panchayat Raj Act, 1994, as arbitrary, illegal and violative of Articles 14 and 19 (1) (g) of the Constitution of India.

At the hearing, Mr.P.Roy Reddy, learned Standing Counsel for the Andhra Pradesh Industrial Infrastructure Corporation (Andhra Pradesh), submitted, and in my view rightly, that the disputes raised by the petitioners squarely fall under the provisions of the Andhra Pradesh Societies Registration Act, 2001 (for short 'the Act'), as they pertain to the private layout of an Automobile Industry and that none of the respondents can have either supervision or control over such layout.

Under Section 23 of the Act, all disputes among the Committee or the Members of the Society, in respect of any matters relating to the

affairs of the Society, shall be raised before the District Court concerned. Having regard to the nature of the serious allegations made by the petitioners, this Court feels that it is desirable that the District Court concerned shall adjudicate the same and redress the grievance of the petitioners, if the same is found to be legitimate. In this view of the matter, I am not inclined to entertain this Writ Petition for adjudication on merits and instead, the petitioners are relegated to avail the above mentioned remedy.

Subject to the above observation, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.Nos.5089 and 5090 of 2016, filed by the petitioners for interim relief, are disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 9th February, 2016
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