

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

PRESENT

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT APPEAL No.54 OF 2016

DATED: 03.02.2016

Between:

Kaytam Malla Reddy

... Appellant

and

The State of Telangana and others

... Respondents

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT APPEAL No.54 of 2016

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

This writ appeal is directed against the order, dated 19.01.2016

passed by the learned Single Judge in WVMP.Nos.2269 and 2606 of 2015 in WPMP.No.20481 of 2015 in Writ Petition No.15742 of 2015 and Writ Petition No.15742 of 2015.

In the Writ Petition, the appellant/petitioner challenged the notice, dated 21.05.2015 issued under Section 34-A of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') being illegal, arbitrary, contrary to law and in violation of the principles of natural justice.

Section 34-A of the Act deals with the motion of no confidence against the President and Vice-President of the Managing Committee of the society.

We have heard learned counsel for the appellant. The only contention urged on behalf of the appellant by learned counsel is that the procedure contemplated by sub-section (3) of Section 34-A of the Act read with Rule 24-A of the Andhra Pradesh Cooperative Societies Rules, 1964 for service of notice of the meeting was not followed/complied. Apart from this, he also invited our attention to the observations made by the learned Single Judge in paragraph 32 of the impugned order.

We have perused the judgment of learned Single Judge and we find that the learned Judge has dealt with all the questions/issues raised by the appellant in proper perspective and has rightly dismissed the Writ Petition for the reasons recorded therein. It is true that the observations, as made by learned Single Judge in paragraph 32 of the order, were not warranted but that by itself would not be sufficient to interfere with the order passed by learned Single Judge. That apart, it is an admitted position that the appellant, though contends that the procedure for service of notice of the no confidence motion was not followed, attended the meeting held on 08.06.2015 and participated in the proceedings. It is also admitted that in the meeting, no confidence motion was carried unanimously and by virtue thereof, he was dislodged and new President also came to be elected and took over. In this backdrop, we do not find any reason to

interfere with the
well-reasoned judgment of the learned Single Judge based on the
judgment of the Supreme Court in **Managing Director, ECIL, Hyderabad
etc. v. B.Karunakar etc.**

In the circumstances, writ appeal is dismissed.

Consequently, miscellaneous petitions pending, if any, also stand
disposed of.

DILIP B. BHOSALE, ACJ

3rd FEBRUARY, 2016.

A.V.SESHA SAI, J

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