

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.6106 of 2016

ORDER:

Heard Mr.N.Jayasurya for petitioner, Assistant Government Pleader for Fisheries and Smt.N.Kesavi Kumari for respondent No.4-Society.

The petitioner challenges proceedings, dated 05.02.2016, issued by respondent No.3 to convene meeting of No Confidence against petitioner on 26.02.2016 at 11.00 a.m., as illegal, contrary to the mandatory procedure stipulated by law and the principle laid down by the Hon'ble Division Bench of this Court in **Vancha Veera Reddy and another Vs. District Cooperative Officer, Nalgonda and others**¹.

The case of petitioner is that respondent No.3 is under legal obligation to enclose the No Confidence notice issued by the Members along with proceedings, dated 05.02.2016. In the case on hand, respondent No.3 did not append the notice, dated 21.01.2016 of the Members. Therefore, the meeting scheduled to be held on 26.02.2016 cannot and could not be taken up, for, the same is vitiated by not following the mandatory procedure prescribed by law. The petitioner relies upon the judgment of the Division Bench referred to above.

The counsel for respondents do not dispute the ratio of the Hon'ble Division Bench in **Vancha Veera Reddy's** case, but have

¹ 2010 (3) ALD 526 (DB)

tried to convince this Court by placing reliance upon Memo No.274, /E/2015, dated 03.02.2016 and contended that respondent No.3, as a matter of fact, along with the proceedings, dated 05.02.2016, has appended the No Confidence notice moved by the Members.

I have perused the Memo, dated 03.02.2016, and proceedings, dated 05.02.2016. I am not accepting the explanation offered by respondent No.3 that the notice of Motion is appended to proceedings, dated 05.02.2016, because the acknowledgment allegedly given by petitioner is dated 03.02.2016, cannot and could not be treated as an acknowledgment together with annexures of a notice prepared on 05.02.2016. Much discussion is not required to reject the feeble explanation offered by respondent No.3.

Hence, the proceedings impugned in the writ petition are set aside. Respondent No.3 is given liberty, if the circumstances still subsist, to issue notice to petitioner by enclosing the No Confidence moved by the Members of the Society.

Writ petition is ordered as indicated above.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

Dt:16.11.2016.
kdl

