

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 6 OF 2016
and
WRIT PETITION No. 41601 of 2015

20.01.2016

WRIT APPEAL No. 6 OF 2016

Between:

The State of A.P.

Rep. by its Principal Secretary,

Co-operation Department,

Secretariat Buildings,

Hyderabad, and two others.

... Appellants

And

M/s. Kothur Primary Agriculture Co-operative

Society, Kottur, Srikakulam District,

Rep. by its President, and others.

... Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-

WRIT APPEAL No. 6 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 interim order dated 23.12.2015 passed in W.P.M.P.No.53700 of 2015 in W.P.No.41601 of 2015 filed by respondents 1 to 8.

In the writ petition, the petitioners challenged the proceedings dated 10.12.2015 passed by the Deputy Registrar of Cooperative Societies, Tekkali, superseding the Managing Committee of petitioner No.1 – Society in exercise of powers under Section 34(1) read with Section 115(15)(B) of the Cooperative Societies Act, 1964 (for short 'the Act'). The principal contention, challenging the proceedings dated 10.12.2015, urged on behalf of the petitioners was that their explanation to the show cause notice dated 25.11.2015 was not considered by the Deputy Registrar of Cooperative Societies. This contention seems to have impressed the learned Single Judge to pass the impugned order. By virtue of the interim order, the Managing Committee of petitioner No.1 - Society would continue to function.

In view thereof, we made certain suggestions to learned counsel for the parties in course of hearing of the appeal and they have agreed for the order, that we propose to pass. We, accordingly, dispose of this writ appeal as well as the writ petition by the following order:

“The order dated 10.12.2015 passed by the Deputy Registrar of Cooperative Societies, impugned in the writ petition, superseding the Managing Committee of petitioner No.1– Society in exercise of the powers under Section 34 (1) read with Section 115(15)(B) of the Act, is set aside. The Deputy Registrar of Cooperative Societies, Tekkali, shall decide the show cause notice dated 25.11.2015 afresh, after considering the explanation submitted by the writ petitioners dated 07.12.2015 and granting them an opportunity of being heard, as expeditiously as possible and preferably, within a period of three months from today.

Learned counsel for the parties are directed to communicate this order to the Deputy Registrar of Cooperative Societies, Tekkali, Srikakulam, within a period of 10 days from today.”

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 20.01.2016

Note: Furnish Certified Copy

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