

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No. 1424 OF 2016

28-01-2016

Between:

D. Harinatha Reddy

... Petitioner

And

The Institution of Lokayuktha for the State of Andhra Pradesh &
Telangana, rep., by its Registrar, Basheerbagh, Hyderabad and others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT
-
WRIT PETITION No. 1424 OF 2016

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

Heard Sri B. Seshi Bushan Rao, learned counsel for the petitioner; Sri Y. Ravindra, learned Standing Counsel for respondent No.1 and Smt. Vidyavathi, learned Government Pleader for Cooperation for respondent Nos. 2 to 4.

The petitioner, in the instant writ petition, seeks to challenge the order dated 30-09-2015 passed by respondent No.1 in complaint No.349/2013/B1 as illegal and without jurisdiction. We have perused the order dated 30-09-2015 by which respondent No.1 has disposed of the complaint observing that the Arbitrator as contemplated under Section 62 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') shall decide the matter within four months from the date of receipt of the order. We are informed that respondent No.4 being an Arbitrator has decided the matter vide order dated 05-11-2015.

Sri Seshi Bushan Rao submits that since the direction issued by respondent No.1 itself is without jurisdiction, the order passed by the Arbitrator also will have to be set aside being illegal.

We have perused the provisions of Sections 61 and 62 of the Act. Reference of the matter to the Arbitrator is not by the order of respondent No.1. By virtue of the provisions contained in Section 62, the Registrar in exercise of the powers under Section 61, referred the same for disposal to an Arbitrator. Hearing of the case by the Arbitrator and its disposal has nothing to do with the

order passed by respondent No.1 and in view thereof, we are not inclined to entertain the writ petition.

Writ petition is dismissed. Dismissal of the writ petition however shall not preclude the petitioner from challenging the award passed by the Arbitrator, if it is adverse to him.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

28-01-2016
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