

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.36278 of 2012

ORDER:

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Heard Sri V.V.N.Narasimham, learned counsel for petitioner, the Assistant Government Pleader for Revenue for respondent No.1, the Assistant Government Pleader for Fisheries for respondents 1 to 3 and Sri K.Pavan for respondent No.4.

The petitioner Society challenges Communication dated 17-11-2012 as illegal, arbitrary and without jurisdiction. The factual basis for the instant legal objection is that the petitioner Society is not receiving any assistance or aid from the Government and therefore in accordance with the scheme of the A.P. Co-operative Societies Act, 1964 the Society is entitled to conduct elections in accordance with the byelaws.

The official respondents have filed counter affidavit and by way of reply it is stated that the assertion of petitioner that the Society has not received any aid or assistance is incorrect for according to the respondents, the Society received assistance in 2006-07 and 2007-08.

Learned counsel appearing for petitioner does not join issue on the assertion in the counter affidavit therefore, the ground on which the communication is challenged is not established. It is further submitted that the petitioner Society in fact has no objection for conducting elections by 1st respondent in accordance with law and appropriate directions can be issued by this Court.

The Assistant Government Pleader reports no objection for the submission of counsel appearing for petitioner.

Having regard to above circumstances, the 1st respondent is directed to initiate steps as required by law for conducting elections to Fishermen Co-operative Society Limited, Bhyramunipally, Nelakondapalli Mandal, Khammam District, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. It is made clear that the disputes between the petitioner and the 4th respondent are not adverted to by this Court in the instant order and as and when cause of action arises, it is open to the parties to work out their remedies as they may deem fit and proper.

Accordingly, the writ petition is disposed of as indicated above. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

S. V. BHATT, J

Dt: 07-06-2016
Prv

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