

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

WRIT PETITION No. 6456 OF 2017

ORDER:

This writ petition filed under Article 226 of the Constitution of India assails the action of the 4th respondent, Assistant Registrar, Manuguru, Bhadradi District, Telangana, in issuing notice bearing Rc.No.AR/B.Pad/2017, dated 15.02.2017, requesting the Members of the General Body to attend for the meeting scheduled to be held on 27.02.2017.

Heard learned counsel for the petitioners and Sri Ratangapani Reddy, learned counsel for the caveator – elected body and the learned Government Pleader.

The case of the petitioners is that they are the tribal women and elected office bearers of Adaviputra Tribal Sand Quarry Labour Contract Mutually Aided Cooperative Society Limited, Gommugudem Village, Gommugudem Gram Panchayat, Charla Mandal, Bhadradi District. Petitioner Nos.1 and 2 are the President and Vice President and rest of the petitioners are the Directors of the said society. By virtue of the order under challenge issued by the 4th respondent, an emergency general body meeting of the society has been called for on 27.02.2017 in order to enable the 4th respondent to submit a report to the Mutually Aided Cooperative Societies District Registrar and the District Cooperative Officer, Bhadradi District, 3rd respondent.

Learned counsel for the petitioners contends that as per G.O.Ms.No.118, dated 02.04.1996, the District Cooperative Officer has no power nor jurisdiction to deal with the matters pertaining to Sections 28, 29 and 40 of the A.P. Mutually Aided Cooperative Societies Act, 1995 (for

short, “the Act”). He further contends that since the meeting, dated 24.01.2017, was held under the chairmanship of one Sri Podiyamu Murali, Sarpanch of the Village, the very exercise undertaken in the said meeting is highly objectionable and does not have any legal sanctity, and that the very action of holding the meeting and conducting elections is also highly objectionable and cannot be sustained in the eye of law.

On the other hand, Sri Ratangapani Reddy, learned counsel for the caveator, on whom the papers have been served by the learned counsel for the petitioners, contends that the contention of the learned counsel for the petitioners as regards G.O.Ms.No.118, dated 02.04.1996, is untenable. He further contends that the contention that the general body meeting was held under the chairmanship of Sri Podiyamu Murali, Sarpanch of the Village is also incorrect and contrary to the material available. During the course of hearing, the learned counsel placed on record the proceedings of the general body meeting, dated 24.01.2017, and the resolution passed by it and submits that in view of availability of alternative remedy of approaching the Tribunal under Section 37(2) of the Act, the present writ petition, obviously in the nature of questioning the elections, is not maintainable. With regard to G.O.Ms.No.118, dated 02.04.1996, which is filed along with the writ material papers, it is to be noted that by virtue of the said governmental order the State Government delegated the powers of the Registrars in favour of the District Cooperative Officers except the powers under Sections 28, 29 and 40 of the Act.

A perusal and reading of the above said provisions of law indicate that the same are irrelevant to the present situation. As such, the contention of the learned counsel for the petitioners with regard to G.O.Ms.No.118,

dated 02.04.1996, is liable to be rejected. The proceedings of the general body meeting held on 24.01.2017 produced by Sri Ratangapani Reddy disclose that as many as 79 Members out of total 86 Members signed the said resolution, and by virtue of which a new Committee came into existence. Obviously, in the present writ petition, the petitioners are aggrieved by the election of new Committee by the General Body, which, according to the learned counsel for the petitioners, is illegal and contrary to law. It is required to be noted in this context that as per Section 37 of the Act, if any dispute arises touching the constitution, management or business of a cooperative society and matters connected therewith or incidental thereto, such disputes may be referred to the Cooperative Tribunal for decision.

In view of the above situation and having regard to the availability of alternative remedy of appeal to the petitioners, this Court is not inclined to entertain the present writ petition and the same is accordingly dismissed leaving it open to the petitioners to avail the alternative remedy of approaching the Tribunal.

Miscellaneous petitions, if any pending, shall also stand disposed of.

No order as to costs.

A.V.SESHA SAI, J

Date: 23.02.2017
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