

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.28709 OF 2014

ORDER:

Heard Mr.P.V.Vidyasagar, learned counsel for petitioner and the Assistant Government Pleader (Home) for respondents.

The petitioner prays for Mandamus directing respondents not to interfere with the disputes touching the business of erstwhile Sree Mathrusri Cooperative House Building Society Limited, Vsakhapatnam and presently registered as Sree Mathrusri Mutually Aided Cooperative House Building Society Limited, Visakhapatnam, which are of a civil nature falling under Section 61 of the A.P. Cooperative Societies Act, 1968 (for short 'the Act').

The writ prayer explains in sufficient measure the grievance of the petitioner. Reiterated, the petitioner complains against respondents 3 and 4 that respondents 3 and 4 are interfering in pure and simple civil dispute between members of the Society or in the matters touching upon Section 61 of the Act. Such interference, according to petitioner, is illegal and untenable. This Court on 24.09.2014, passed the following interim order:

“Note before admission returnable in six weeks.

Learned counsel for the petitioner is permitted to take out notice to the respondents by registered post with acknowledgement due by supplying the entire paper book in the writ petition and file proof of service into the Registry.

However, the respondent Nos.2 to 4 shall not interfere in any disputes touching upon the business of

the Co-operative society by name Sree Mathrusree Co-operative House Building Society, Visakhapatnam.

Post after six (6) weeks.”

The interim order is subsisting as on date.

The 4th respondent filed counter affidavit and on the alleged interference in civil dispute or a dispute *inter se* members states thus:

“It is respectfully submitted that, as per Section 61 of A.P. Co-operative Societies Act if any mischief occurred between the members and the society, they have to approach the competent authority as per law. The petitioner herein instead of approaching the competent authority, he filed the present writ petition with baseless allegation.

It is respectfully submitted that, the contention of the petitioner that, the respondent police has interfered with the dispute touching the business of erstwhile Sree Mathrusri Cooperative House Building Society Ltd., Visakhapatnam and presently registered as Sree Mathrusri Mutually Aided Cooperative House Building Society Ltd., Visakhapatnam which are of a civil nature resolvable exclusively under Section 61 of the A.P. Co-operative Societies Act, 1968 is incorrect, baseless and far from truth.

It is respectfully submitted that, it is incorrect to say that, this respondent frequently summoned the petitioner to the police station alleging that, against the petitioner herein some complaints were received that, the petitioner committed certain irregularities, hence denied. It is submitted that, no fresh complaints were received against the petitioner herein on the file of the Gajuwaka Police Station. Hence the question of summoning him to the police station does not arise.

It is submitted that, as stated above, except registering the above criminal cases against the petitioner herein, this respondent has never interfered with the civil dispute of Sree Mathrusri Mutually Aided Cooperative House Building Society Ltd., Visakhapatnam at any point of time.”

From the above, it is clear that respondents are alive to the jurisdiction of the Registrar under Section 61 of the Act to resolve the disputes as provided therein and they further go on record by saying that the respondents are not interfering in the civil dispute of the society or members. The statement is placed on record and accepted.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



S.V.BHATT, J

Date: 25.04.2017
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