

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.18818 of 2017

ORDER :

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to pass an order or writ particularly one in the nature of writ of Mandamus declaring the proceedings Pbc.No.91/ C/ SGD/ 2017 dated 20-5-2017 of the 3rd respondent in canceling the registration of the petitioner-society as illegal, arbitrary, and contrary to law apart from in gross violation of principles of natural justice and consequently set aside the proceedings Pbc.No.91/ C/ SGD/ 2017 dated 20-5-2017 of the 3rd respondent and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and learned Government Pleaders for Animal Husbandry and Revenue representing respondents and perused the prayer in the writ petition with supporting affidavit and other material on record and also written instructions dated 12.06.2017.

A perusal of the impugned proceedings dated 20.05.2017 show that 'Malhar Primary Sheep Breeders Cooperative Society' with registration No.15-TJ-2017 dated 10.04.2017 in Kodicherla Village of Madnoor Mandal of Kamareddy District is functioning since then. As per the request of villagers the petitioner-Sri Krishna Yadava Primary Sheep Breeders Cooperative Society Ltd. also registered as a second Society with registration No.37-TJ-2017 dated 10.05.2017 one month later to the first Society and it is without approval of the District Collector,

Kamareddy District and thereby, the registration of petitioner-Society is forthwith cancelled, with a direction to the petitioner-Society to join as member of already existing 'Malhar Primary Sheep Breeders Cooperative Society' of the village.

The written instructions dated 12.06.2017 of the 3rd respondent-District Veterinary & Animal Husbandry Officer reads that there are controversies in the village and the second Society before registration even, asked to join in the existing Society, forced the 3rd respondent like anything to cause register the second Society and the 3rd respondent registered the same, without permission of the District Collector and it is on noticing the same, the District Collector directed to cancel the second Society.

The sum and substance of the submission of the learned counsel for the petitioner-Society is that no permission of the District Collector is required and once the Society already registered, the question of cancellation *suo motu* without even opportunity does not arise and the Authorities cannot compel the members of the petitioner-Society to join the other existing Society as its members and also the submission that there is no statutory provision of taking consent or prior permission or consultation of the District Collector for registration.

The learned Government Pleader submits that a permission of the District Collector is required apart from the fact that

there cannot be two Societies and also 'Malhar Primary Sheep Breeders Cooperative Society' is in existence and any inadvertent permission and registration of the second Society cannot give life to it, thereby, the impugned proceeding no way requires interference. However if the petitioner gives any representation further, the Authorities are likely to consider the same and pass reasoned orders.

Having regard to the above, the Writ petition is disposed of by permitting the petitioner-Society to give a fresh representation to the 3rd respondent and the 3rd respondent shall consider the same and pass appropriate orders. In the mean time, the impugned order is cancelled.

Consequently, miscellaneous petitions pending, if any, shall stand dismissed. No costs.

Date:30-06-2017

Dr. B. SIVA SANKARA RAO, J

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DATE: 30.06.2017



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