

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.15827 of 2007

ORDER:

This writ petition is filed to declare the directions issued in item no.(iii) in 'A' Provisional Registration under section 4 sub section 2 of the A.P. Cooperative Societies Act 7 of 1964 issued in Rc.No.16438/2000/Hsg.(1), dated 7.6.2000 and the consequential order dated 14.11.2006 in Rc.No.16498/2000/Hsg.3 on the file of the first respondent as illegal.

Brief facts of the case of the petitioners are that the petitioners were admitted as members of the fifth respondent society between 2002 and 2005. The first respondent through impugned proceedings dated 7.6.2000 stated that under section 4 sub section 2 of the A.P. Cooperative Societies Act, prior clearance has to be obtained from the Registrar of cooperative Societies for admission of any new member. Further, in the consequential order dated 14.11.2006, the fifth respondent was directed by the first respondent to delete all the 347 members alleged to be ineligible members who were admitted after 7.6.2000 by following the procedure contemplated under section 30 of the A.P. Cooperative Societies Act by holding that all the 347 members have been admitted in violation of section 4 (2) of A.P. Cooperative Societies Act.

Today, when the matter came up for hearing, learned counsel for the petitioners submits that the facts of the present case are squarely covered by the judgment in Writ Appeal No.1064 of 2012 and Writ Petition Nos.26308 and 27075 of 2006 dated 6.12.2012. The Division Bench of this Court considered the impugned proceedings in the said

writ petitions and passed the following final order:

“WP.Nos.26308 and 27075 of 2006:

4. Having heard the learned counsel for the parties, it appears to us that in these writ petitions the grievance of the petitioners, who are all members of the fifth respondent society, is that orders dated 07.06.2000 and 14.11.2006 have been by the Registrar of Cooperative Societies, first respondent, without giving a chance of being heard to the writ petitioners, who are really affected by the orders so passed by the Registrar.

5. In these circumstances, we set aside the aforesaid orders and direct the Registrar of Cooperative Societies to hear the matter afresh after serving notice to all the affected persons, after giving them a chance of being heard, shall pass a reasoned order in the matter”.

In view of the fact that the same impugned proceedings were considered by this Court in Writ Appeal No.1064 of 2012 and Writ Petition Nos.26308 and 27075 of 2006 dated 6.12.2012, this writ petition is disposed of in terms of the orders in Writ Appeal No.1064 of 2012 and Writ Petition Nos.26308 and 27075 of 2006 dated 6.12.2012.

Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

KONGARA VIJAYA LAKSHMI,J

Date: 27/12/2017

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