

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.32652 OF 2017

ORDER:

Heard Sri Vedula Venkata Ramana, learned Senior Counsel appearing for the petitioners; the learned Government Pleader for Co-operation appearing for respondents 1 to 3 and 6; Sri C.Hari Preeth, learned Standing Counsel for respondent No.4; and Sri P.Rohith, learned Standing Counsel for respondent No.5.

2. This Writ Petition, under Article 226 of the Constitution of India, came to be filed with the following prayer:

“..to issue a Writ of Certiorari calling for the records relating to and quash the order dated 04.09.2017 in I.A.No.2/2017 in C.T.A.No.2/2017 on the file of the Cooperative Tribunal Warangal.”

3. The grievance of the petitioners in the writ petition is that in earlier round of litigation, this Court by the order dated 20.07.2017 disposed of W.P.No.23687 of 2017 filed by the petitioners giving ten (10) days time to the petitioners to give their reply and within four weeks thereafter, the authorities shall pass a reasoned order. It is said that even before the petitioners could obtain a copy of the said order in W.P.No.23687 of 2017, the Commissioner for Co-operation and Registrar of Co-operative Societies passed an order dated 16.08.2017, rejecting the request of the petitioners. Challenging the same, the petitioners filed Writ Petition No.28291 of 2017, which was dismissed as withdrawn giving liberty to the petitioners to avail

the remedy of appeal. Pursuant thereto, the petitioners filed Appeal vide C.T.A.No.2 of 2017 before the Co-operative Tribunal at Warangal. Along with the appeal, they also filed an application in I.A.No.2 of 2017 seeking suspension of the order of supercession dated 16.08.2017, which was dismissed. Challenging the same, the present writ petition is filed.

4. Though various grounds are raised in the writ petition, Sri Vedula Venkata Ramana, learned Senior Counsel appearing for the petitioners, would submit that since the order dated 16.08.2017 came to be passed without giving any opportunity to the petitioners to submit their explanation, the appellate authority may decide the issue as to the violation of principles of natural justice, as a preliminary issue, before going into the merits of the case.

5. Having regard to the contents of the order, dated 20.07.2017, passed by this Court, the Writ Petition is allowed setting aside the order dated 04.09.2017 in I.A.No.2 of 2017 in C.T.A.No.2 of 2017 passed by the Cooperative Tribunal Warangal, and remanding the matter to the Tribunal, to decide the I.A., afresh. The issue relating to violation of principles of natural justice shall be decided as a preliminary issue as early as possible preferably within a period of four (04) to six (06) weeks from today and while deciding the I.A., the Tribunal, if possible, shall deal with the main appeal itself, after giving due notice to all the concerned.

Consequently, Miscellaneous Petitions, if any, pending in this
Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C.PRAVEEN KUMAR

Date:22.09.2017
INL

