

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

WRIT PETITION No.9917 of 2017

ORDER:

Heard Sri K.Lakshman, learned counsel for the petitioner and Sri Bhanu Prakash, learned counsel for the second respondent and the learned Government Pleader for the third respondent.

2. Petitioner herein filed a statutory appeal under Section 76 (1) of the A.P. Cooperative Societies Act, 1964 (hereinafter referred to as 'the Act') read with Rule 49-A of the A.P. Cooperative Societies Rules, 1964 framed thereunder questioning the proceedings in E.P.No.043/2002/OSD/VCUB, on the file of the Deputy Registrar of Cooperative Societies/OSD, the Vasavi Cooperative Urban Bank Limited (U&L), Malakpet, Hyderabad and to set aside the sale notice dated 22.08.2016 issued in Form No.VIII and consequential auction including the sale dated 26.09.2016. Along with the said appeal, petitioner herein also filed I.A.No.231/2016 under Section 76 (6) of the Act praying for stay of all further proceedings pursuant to the sale notice dated 22.08.2016 and consequential auction dated 26.09.2016.

3. According to the learned counsel for the petitioner the parties to the appeal filed their counter. The Cooperative Tribunal, passed a docket order on 08.03.2017 disallowing I.A.No.231/2016. The said Docket Order dated 08.03.2017, passed in I.A.No.231/2016 in CTA.No.45/2016 dated 06.03.2017, is under challenge in the present writ petition. According to the learned counsel for the petitioner, the said docket order is erroneous, contrary to law and opposed to the very spirit and object of the provisions of the Act and the Rules framed thereunder.

4. It is submitted that without taking into consideration the contents of the affidavit filed in support of the said application, the Cooperative Tribunal passed the order under challenge. It is further submitted that the impugned order is a non-speaking order and is not supported by any reasons. On the other hand, it is submitted by Sri Bhanu Prakash, learned counsel for the second respondent that there is no illegality nor there exists any procedural infirmity in the impugned order and in the absence of the same, the order

impugned is not amenable for judicial review under Article 226 of the Constitution of India.

5. A perusal of the material available before the Court manifestly discloses that the petitioner herein urged a number of reasons and aspects in the affidavit filed in support of the said application. A reading of the order under challenge reveals that the Tribunal did not consider any one of the averments made in the affidavit filed in support of the said application and not even adverted to the same. It is a settled and well established proposition of law that the orders of the quasi judicial authorities should necessarily be supported by valid and cogent reasons for arriving at the conclusions and in the present case the same is followed in breach. Therefore, the impugned order, in the considered opinion of this Court, cannot be sustained in the eye of law and this Court is of the opinion that the matter requires reconsideration by the Tribunal.

6. For the aforesaid reasons, the writ petition is allowed, setting aside the docket order dated 08.03.2017 passed by the Cooperative Tribunal, Hyderabad in I.A.No.231/2016 in C.T.A.No.45/2016 and the said I.A.No.231/2016 stands restored to file for fresh consideration of the same, in accordance with law, after giving opportunity to all the stake holders. As a sequel, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:24.03.2017  
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.9917 of 2017

Dated 24.03.2017

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