

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 26676 of 2017

Order:

This Writ Petition is filed with the following prayer.

“To issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not passing orders on the resolution of the general body dated 29.03.2012 of the first petitioner society amending bye-law No.29(vii) of the bye-laws and instead directing the enquiry under Section 51 of the Act under an order dated 04.04.2015 and all the consequential proceedings including the R.C.No.489/2017-C dated 27.06.2017 and notice bearing R.C.No.489/2015/C dated 24.07.2017 as being illegal, arbitrary, *mala fide* and without jurisdiction and contrary to the provisions of the Act and further direct the respondents to pass orders to register the amendment as per the resolution of the general body dated 29.03.2012 of the first petitioner society amending bye-law No.29(vii) of the bye-laws.”

The entire dispute raised in the Writ Petition revolves round an order passed under Section 60(1) of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act') and since there is a remedy of appeal against the said order, this Court is not inclined to entertain the present Writ Petition.

It is submitted by the learned counsel for the petitioners that after serving the copy of the order dated 27.06.2017 on 13.07.2017 there is a period of sixty (60) days available for preferring an appeal and even before expiry of the same, the Deputy Registrar of Cooperative Societies issued notice dated 24.07.2017, under Section 21-AA of the Act, pursuant to the said order.

In view of the availability of the period for preferring an appeal, while giving liberty to the petitioners to avail the remedy of appeal and obtaining appropriate orders from the appellate authority, the third respondent is restrained from taking further action pursuant to the notice issued on 24.07.2017, under Section 21-AA of the Act, till 17.09.2017. It

is open to the petitioners to avail the remedy of appeal against the order dated 27.06.2017 before the said date and obtain appropriate orders from the appellate authority and the third respondent shall take further action only after looking into the order to be passed by the appellate authority pursuant to filing of appeal by the petitioners. It is needless to observe that it is open to the petitioners to raise all the contentions raised in this Writ Petition before the appellate authority in the appeal to be preferred by them.

The Writ Petition is, accordingly, disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

Date: 09.08.2017
Nsr

A. RAMALINGESWARA RAO, J

