

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 17429 of 2017

ORDER:

This writ petition is filed challenging the notice, dated 19.05.2017, issued by the Assistant Registrar, Office of the District Assistant Registrar, Badhradri Kothagudem District, asking the members of petitioner No.1-Society to attend General Body Meeting on 03.06.2017 for considering the following Agenda:

- 1) Formation of ad hoc Committee for the Society;
- 2) Electing a new Executive Committee through ad hoc Committee.

The said action appears to have been taken on the directions issued by the District Collector and the District Cooperative Officer.

The case of the petitioners is that there are 86 members in petitioner No.1-Society. Petitioner No.2 was elected as President and other petitioners were elected as Directors of the Executive Committee in a General Body Meeting held on 20.01.2016. As per Byelaw No.16.1, the term of the Executive Committee is three years. Thus, though the petitioners can continue till 19.01.2019, it appears that a General Body Meeting was held on 24.01.2017

wherein the petitioners were removed and respondent Nos.5 to 16 were elected. The election of respondent Nos.5 to 16 was in dispute and in view of the same, when respondent No.4 issued a notice on 15.02.2017 asking the members of petitioner No.1-Society to attend the meeting held on 27.02.2017, the petitioners herein filed W.P.No.6456 of 2017 challenging the said notice. This Court disposed of the said writ petition on 23.02.2017 giving liberty to the petitioners to invoke the alternative remedy of appeal. The petitioners did not invoke the said remedy of appeal. When the present notice was issued on 19.05.2017 without impleading respondent Nos. 5 to 16, the instant writ petition was filed and this Court by order, dated 02.06.2017 granted interim suspension as a result of which, the General Body Meeting as proposed was not held on 03.06.2017. Thus, there is a claim by the petitioners as well as respondent Nos.5 to 16 as having been in the Office as Executive Members of the Society, but there is no dispute with regard to the total number of members.

It is admitted by both the parties that while conducting a General Body Meeting on 24.01.2017, no procedure was followed, but respondent Nos.5 to 16 were elected. Even now also, respondent No.4 wants to conduct a General Body Meeting in order to elect new Executive Committee. Whether the petitioners were rightfully removed from their Office by the General Body or not is still in dispute.

In the circumstances, this Court feels it appropriate to direct respondent No.4 to call for a General Body Meeting to be held on a particular date in order to consider the expression of confidence or otherwise on the petitioners. If the General Body expresses no confidence on the petitioners, it is open to respondent No.4 to take immediate steps for conducting elections to the Executive Committee of petitioner No.1-Society in accordance with law. This course of action is not contested by the learned counsel for the petitioners and respondent Nos.5 to 16 as it is in the interest of the Society.

In the circumstances, the writ petition is disposed of directing respondent No.4 to take action as afore-stated, within one month from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:28.08.2017

kdl

