

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal Nos.1961 and 1962 of 2005

COMMON JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

These two appeals, under Clause 15 of the Letters Patent, are preferred against the orders passed by the Learned Single Judge in W.P.Nos.21388 ad 21384 of 2005 dated 30.09.2005 respectively. The appellants herein are the petitioners in the writ petitions. They filed the writ petitions questioning the action of the respondents, in admitting the members in the Nandikotkur Primary Agricultural Cooperative Society on 30.09.2005 and 04.09.2005 on the basis of unregistered agreements of lease credit only for the purpose of becoming members, and the consequential action of respondents 1 to 4 in conducting enquiry and deletion of such members, as illegal and arbitrary.

By the order under appeal, the Learned Single Judge directed the Divisional Cooperative Officer/Deputy Registrar of Cooperative Societies, Kurnool to take appropriate decision on the appellants' representations dated 19.09.2005 on merits, and in accordance with law, within a period of one week from the date of receipt of a copy of the order. Aggrieved thereby, the present appeals. This Court, while admitting the writ appeals on 07.10.2005, issued notice to the respondents.

The complaint in the writ petitions is regarding admission of members to the Primary Agricultural Cooperative Society. The Learned Single Judge has, by the order under appeal, directed the Divisional Cooperative Officer/Deputy Registrar of Cooperative Societies to consider the appellants' representations on merits, and in accordance with law.

Any grievance, which the appellants may have consequent on orders being passed on the representations, can only be questioned in independent legal proceedings. As questions of fact, whether the 5th respondent had admitted members on the basis of unregistered

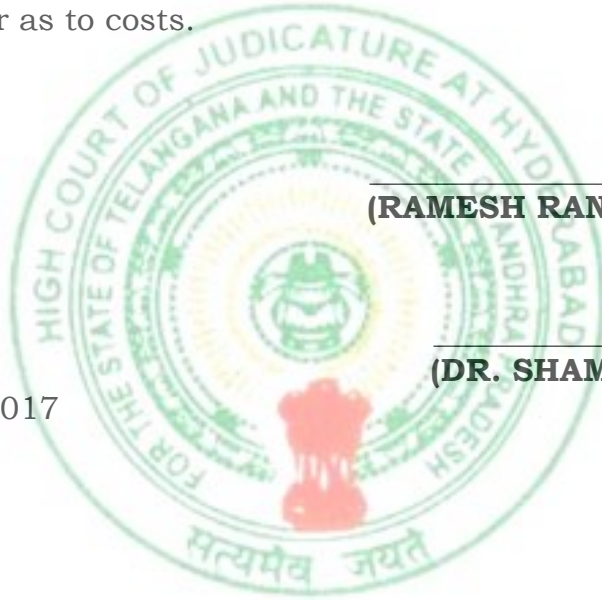
agreements of lease credit, only for the purpose of becoming members of the society etc are matters which this Court would not, ordinarily, examine in proceedings under Article 226 of the Constitution of India, the Learned Single Judge has, in our opinion rightly, directed the 4th respondent to consider the appellants' representations in accordance with law. In an intra-court appeal, under Clause 15 of the Letters Patent, interference is called for only if the order under appeal suffers from a patent illegality. We find no such infirmity in the orders under appeal.

The Writ Appeals fail and are, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

08th February, 2017
JSU



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Date: 08.02.2017

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