

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT APPEAL No. 1453 OF 2017

DATED 03RD OCTOBER, 2017

Between:

D.Brahmananda Reddy and others ... Appellants

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Co-operation Department, Secretariat Building,
Amaravathi, Velagapudi,
Guntur District, and others ... Respondents

Counsel for the appellants : Sri L.J.Veera Reddy

Counsel for the respondents : G.P. for Services (A.P.)

THE COURT MADE THE FOLLOWING

JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by order dated 07-09-2017 in W.P.No. 29358 of 2017, the petitioners therein filed this Writ Appeal.

2. The appellants filed O.A.No. 57 of 2017 before the Co-operative Tribunal, Vijayawada (for short, 'the Tribunal'), assailing order dated 31-07-2017 of respondent No. 3 superseding the managing committee of respondent No. 4 society and appointing respondent No. 6 as person in-charge. The Tribunal by its order dated 11-08-2017 suspended the said supersession order. However, on 23-08-2017, it came to the notice of the Tribunal that it has granted *ad interim* order without noticing the caveat entered by respondent No. 4 society. Therefore, the Tribunal has vacated the *interim* order on that day while posting the case to 12-09-2017. Challenging the said order, the appellants filed the abovementioned Writ Petition which was dismissed by the learned single judge.

3. It is not in dispute that the Tribunal has granted *ad interim* order without noticing the caveat petition filed by respondent No. 4 society. Realizing that its order suffered from serious irregularity as the same was passed without hearing the caveator, the Tribunal has vacated the *interim* order and in our view rightly so. The law is well settled that *interim* order passed without hearing the caveator suffers from incurable irregularity. Therefore, the Tribunal has rightly vacated the *interim* order while posting the case to 12-09-2017 for hearing both sides and to pass a fresh order. The learned single judge, in our opinion, has rightly dismissed the Writ Petition by directing the Tribunal to dispose of the miscellaneous application filed by the appellants as expeditiously as possible. Learned counsel for the appellants expressed the apprehension that the Tribunal may not dispose of the miscellaneous application with reasonable expedition. In

the light of the above apprehension, the Tribunal is directed to dispose of M.A.No. 47 of 2017 within four weeks from the date of receipt of a copy of this order after hearing both sides.

4. Subject to the above direction, the Writ Appeal is dismissed.

5. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 2707 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 03-10-2017.

JSK

