

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.29358 of 2017

ORDER

Heard learned counsel appearing for the petitioners and learned Government Pleader for respondents 1 to 3 and learned counsel appearing for the 4th respondent.

It is the case of the petitioner that they filed O.A.No.57 of 2017 before the Co-Operative Tribunal, Vijayawada, challenging the order passed by the 3rd respondent in superseding the 4th respondent-Society *vide* order dated 31.7.2017 and consequential order passed on 31.7.2017 appointing the 6th respondent as person-in-charge to the 4th respondent-society.

Since the writ petition relates to an order passed by the Tribunal, the averments relating to facts of the case leading to filing of O.A.No.57 of 2017, is not necessary.

It appears that the Tribunal after filing the said O.A, initially passed an order staying the impugned proceedings in M.A.No.47 of 2017 on 11.8.2017. But the said order was vacated on 23.08.2017 and the operative portion of which reads as under:

“It is brought to the notice of undersigned that the caveat was filed on 2.8.2017 by the 2nd respondent society in this case and same was inadvertently not noted on the docket on 11.8.2017 and an *ex parte* ad interim stay was ordered on the

operation of the impugned orders of 1st respondent in Rc.No.1286/2017-D1, dated 31.7.2017.

In view of the pending caveat, the *ex parte* ad interim stay ordered on 11.8.2017 is hereby vacated.

Issue urgent notice to the parties. Call on 12.9.2017.”

Challenging the said order, the present writ petition is filed.

When the writ petition is taken up for consideration, learned Government Pleader was directed to verify as to whether a caveat, in fact, was filed before the Tribunal or not.

Learned Government Pleader, based on instructions, submits that caveat was, in fact, filed and in view of the same, the order passed by the Tribunal cannot be held to be bad.

However, though the Tribunal by impugned order set aside the earlier order passed by it, since M.A.No.47 of 2017 is pending, the Tribunal has to pass fresh orders after hearing the petitioner and the caveator.

In the circumstances, this Writ Petition is disposed of directing the Tribunal, Vijayawada, to take up M.A.No.47 of 2017 in O.A.No.57 of 2017 and pass fresh orders after hearing the petitioner and the caveator as expeditiously as possible. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

7th September, 2017
rkk

Note: Issue CC tomorrow.

