

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WP.No.36305 OF 2017

ORDER :

This writ petition is filed challenging the proceedings vide Rc.No.939/2017/C2, dated 11.10.2017 issued by the 3rd respondent removing the petitioners as Directors who were appointed in pursuance to the proceedings vide R.C.No.939/2017/C2, dated 01.08.2017.

Learned counsel for the petitioner submits that though petitioners were appointed by the 3rd respondent himself vide proceedings dated 01.08.2017, without issuing any notice to the petitioners, the 3rd respondent again passed impugned order removing the petitioners as Directors by reviewing the order dated 01.08.2017, which is illegal and without jurisdiction and in violation of principles of natural justice.

Learned Government Pleader for Co-operation submits that the initial order dated 01.08.2017 is itself without jurisdiction as Section 31 of the A.P.Co-operative Societies Act, 1964, does not confer any power on the 3rd respondent to appoint Directors. He also submits that Bye-law No.20 also in consonance with Section 31 of the Act, does not empower the 3rd respondent to appoint Directors. At any rate no such power of Registrar are delegated on the 3rd respondent. Since the order dated 01.08.2017 is itself without jurisdiction the same was rectified by the 3rd respondent himself which cannot be interfered with.

It is to be seen that admittedly, proceedings dated 01.08.2017 passed by the 3rd respondent are not traceable to the

power conferred on the 3rd respondent. Bye-law No.20 mentions about Registrars. But, it is not shown such powers are delegated on the 3rd respondent. More so, Section 31 of the Act provides only General Body shall constitute a committee in accordance with Bye-laws and entrust the Management of the affairs of the society to such committee. Initial order dated 01.08.2017 lacks in jurisdiction. As such, the same was corrected by the 3rd respondent by impugned proceedings. This Court will not invoke the jurisdiction under Articles 226 of the Constitutions of India and set aside the illegal order if it amounts to revival of another illegal order. (see ***Gadde Venkateswara Rao v. Government of A.P and others***¹; ***Maharaja Chintamani Saran Nath Shahdeo v. State of Bihar and others***²; ***Abdul Sattar and another v. District Collector, Nizamabad and another***³)

In view of the same, I do not see any reason to interfere with the impugned order. Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

31.10.2017
t k.

¹ AIR 1966 SC 828

² (1999) 8 SCC 16

³ 1999 (5) ALD 82