

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.41822 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“..to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus, to direct the 4th respondent to declare the 5th respondent Managing Committee cease to hold office, under Section 32(1), (1A) of the Telangana Cooperative Societies Act, 1964, subsequently to conduct the elections of the Toddy Tappers Cooperative Society, Pulekona, Hyderabad District, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of learned counsel for the petitioner and of learned Government Pleader for Prohibition and Excise appearing for respondents 1, 2 and 4. I have perused material record.

3. Learned counsel for the petitioner submits that the Managing Committee of the Society i.e., the fifth respondent is required to hold two general body meetings of the society in a cooperative year i.e., from 1st April to 31st March of every succeeding year and that no general body meetings are being held and therefore, the present writ petition is filed to declare the Managing Committee of the fifth respondent society has ceased to hold office and to direct the respondent authorities to conduct the elections of the society. He would also submit that despite representations, dated 07.11.2017 and 18.11.2017, given by the petitioner to respondents 2 to 4, no action has been taken. He would also submit that if the writ petition is disposed of directing respondents 2 to 4 to consider and dispose of the said representations in accordance with procedure established by law, the ends of justice would be met.

4. Learned Government Pleader appearing for respondents 1, 2 and 4 endorses the said submissions.

5. Accordingly, the writ petition is disposed of directing the fourth respondent to consider and dispose of the representations, dated 07.11.2017 and 18.11.2017, of the petitioner, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken thereon to the petitioner within a week thereafter. The said exercise, as directed, shall however be completed in strict accordance with procedure established by law, after giving an opportunity of being heard to the petitioner as well as the Managing Committee of the fifth respondent society. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M. SEETHARAMA MURTI, J

Date: 18.12.2017
Note: Issue CC by 20.12.2017
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