

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No. 558 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal is preferred against the order passed by the learned Single Judge in I.A. No. 1 of 2018 in W.P. No. 7228 of 2018 dated 6.3.2018. The appellant herein filed the said Writ Petition seeking a mandamus to declare the action of the respondents, in not appointing the erstwhile/outgoing managing committee of the Primary Agricultural Cooperative Society as persons-in-charge of the said Society, as arbitrary and illegal. By way of interim relief, the appellant herein sought suspension of the proceedings of the Deputy Registrar dated 24.2.2018, and for a consequential direction to respondent Nos. 1 to 3 to appoint the outgoing/erstwhile Managing Committee, headed by the appellant-writ petitioner, as the person-in-charge-Committee.

While recording the submission of the learned Government Pleader for Co-operation that, in view of the various omissions and commissions on the part of the appellant-writ petitioner, he was not eligible to be continued in terms of GO Ms. No.12 dated 31.1.2018, the learned Single Judge recorded his, *prima facie*, opinion that no interim order could be passed at that stage. The application in I.A.No.1 of 2018 was, however, dismissed.

The opinion expressed by the learned Single Judge that no interim order could be passed at that stage may have justified hearing of I.A.No.1 of 2018 to be deferred till a counter-affidavit is filed by the respondents. That, however, did not justify dismissal of the application in I.A.No.1 of 2018, that too without assigning reasons.

Learned Special Government Pleader, appearing on behalf of the learned Additional Advocate General for the State of Telangana, would fairly state that the IA ought to have been heard and decided on merits.

We consider it appropriate, therefore, to set aside the order under appeal, and restore I.A. No.1 of 2018 in W.P. No. 7228 of 2018 to file. The respondents herein shall file their counter-affidavit within two weeks from today. It is open to Sri R.N. Hemendranath Reddy, learned counsel for the appellant-writ petitioner, to request the learned Single Judge to take up the IA any day after two weeks from today.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

3rd April, 2018

Pnb



**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**



Writ Appeal No. 558 of 2018

Date:03.04.2018

pnb