

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.15722 of 2018

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Cooperation and Smt.Bobba Vijayalaxmi, learned Standing Counsel for the respondents.

The letter bearing No.259/2017-18, addressed by the fourth respondent, informing that the membership of the petitioner was ceased as per Section 21 (5) of the A.P.Mutually Aided Cooperative Societies Act, 1955 (for brevity, 'the Act'), is under challenge in the present Writ Petition.

When the matter is taken up, it is submitted by the learned Standing Counsel for the fourth respondent that, having filed an appeal against the order impugned on 24.03.2018 before the A.P.Cooperative Tribunal, Vijayawada, under Section 76 of the Act, it is not open for the petitioner herein to file the present Writ Petition, under Article 226 of the Constitution of India. It is further submitted that there is no regular Chairperson for the Tribunal, at present, and that two members are very much present.

On the other hand, it is submitted by the learned counsel for the petitioner that, along with the said appeal, petitioner herein also filed a stay application.

In view of the above, the Writ Petition is disposed of, directing the A.P.Cooperative Tribunal, Vijayawada to dispose of the said application, filed by the petitioner along with the appeal, dated 24.03.2018, within a period of three weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Office to communicate a copy of this order to the A.P.Cooperative Tribunal, Vijayawada.

30th April, 2018

Note:

Furnish C.C. of the order within three days.

*B/o
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A.V.SESHA SAI,J

