

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.16253 of 2017

ORDER :

Heard the counsel for petitioners, the learned Government Pleader for Co-operation for respondent nos.1, 2 and 4 to 6; and the learned Government Pleader for Revenue, for 3rd respondent. None appears for 7th respondent.

2. The petitioners herein have assailed the order dt.28.03.2017, issued by the 5th respondent, appointing an Official Person-In-Charge Committee for the Puttaparthi Primary Agriculture Co-operative Society (P.P.A.C.S.).

3. The petitioners herein are members of the Managing Committee of the said P.P.A.C.S., elected in the elections held on 04.02.2013 to the said Managing Committee.

4. A show-cause notice had been given on 08.12.2016 by 5th respondent to the said Society alleging that there was a failure to conduct Managing Committee and General Body meeting of the Society, and to show-cause why action under Section 32(1-A) of the Andhra Pradesh Co-operative Society Act, 1964 should not be invoked, and invited explanations from all the 13 Directors of the said Society.

5. In response thereto, seven Directors submitted the explanation on 19.12.2016.

6. However, without advertng to what the explanations were, the 5th respondent passed the impugned order on 28.03.2017 simply stating that the explanation was not found to be '*justifiable*'.

7. Since the 5th respondent is exercising quasi-judicial power, he is bound to assign reasons why the explanation submitted by the seven Managing Committee Members out of thirteen (13) on 19.12.2016 is not '*satisfactory*' or not '*justified*'. [See **S.N. Mukherjee Vs. Union of India**¹,]

8. In this view of the matter, though some justification for the action taken by 5th respondent is provided in the counter-affidavit filed by 5th respondent, since such counter-affidavits cannot be considered to sustain statutory orders passed by 5th respondent. [See **Mohinder Singh Gill v. Chief Election Commr**² and **Commissioner of Police, Bombay vs. Gordhandas Bhanji**³]

9. Accordingly, the Writ Petition is allowed, and the impugned order is set aside. The 5th respondent is directed to consider the contents of the explanation filed by the petitioners and pass a reasoned order within a period of two (02) weeks from the date of receipt of copy of the order, and communicate his decision thereon to petitioners.

¹ AIR 1990 SC 1984

² 1978 (1) SCC 405

³ AIR 1952 SC 16

10. The Court takes note of the fact that G.O.Ms.No.8 dt.29.01.2018 has extended the terms of the Managing Committees for a period of six (06) months from that day or till elections are held and the same is placed on record.

11. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 05.06.2018

Note : Issue C.C. in three (03) days.

B/o.

Ndr/*

