

HON'BLE THE CHIEF JUSTICE
SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.31785 OF 2018

ORDER: (OPAL) (Per the Hon'ble Sri Justice S.V.Bhatt)

Hear Mr.T.Kistaiah for petitioners, Mr.P.Durga Reday and Mr.A.Sinath for respondents.

The petitioners challenge G.O.Rt. No.484, Agriculture & Cooperation (COOP.I) Department, dated 21.07.2018 as illegal and reflects non-application of mind, arbitrary and unconstitutional.

On 07.09.2018, this Court directed the 5th respondent bank not to pass resolution either in the general body meeting scheduled to be held on 09.09.2018, or in any other general body meeting to be held thereafter, without the presence of the minimum number of members constituting the quorum as stipulated in the bye-laws of the society and in terms of Rule 23 of the Rules. The effect of order dated 07.09.2018 is G.O.Rt. No.484 dated 21.07.2018, for all purposes, is suspended.

We have perused the impugned Government Order and are *prima facie* of the view that no ground is made out for vacating the order dated 07.09.2018. The pendency of writ petition does not resolve the request made by 5th respondent bank before respondents 1 to 4. Therefore, the counsel consent to disposing of the writ petition by setting aside the order impugned for the very same reasons which are stated in the order dated 07.09.2018 and

remit the matter to respondents 1 to 4 for consideration in accordance with law. Firstly, we are of the view that the impugned Government Order does not satisfy the requirements of law and does not spell reasons why exemption is granted and at any rate on this short ground, the impugned order is liable to be set aside.

Therefore, in the facts and circumstances of the case and for the reasons stated above, the order impugned in the writ petition is set aside and the matter is remitted to respondents 1 to 4 for consideration and disposal strictly in accordance with law.

The writ petition is, accordingly, allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, stand closed.



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

23rd November, 2018

Mrr/Lrkm