

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 44645 of 2018

Date : 10.12.2018

Between:

T Atmarami Reddy S/o T Raghav Reddy Aged about 74 years
Occ Agriculturist R/o Phopudurthi Village Atmakur Mandal
Anantapuramu District & others

Petitioner

And

State of Andhra Pradesh
Cooperative Department Secretariat Velagapudi Amaravathi
Guntur District Rep by its Principal Secretary & others

Respondents

The Court made the following:



HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 44645 of 2018

ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Cooperation.

2. Petitioners are challenging the order of the Deputy Registrar of Cooperative Societies/3rd respondent in superseding the Committee in exercise of powers under Section 34 (1) of the A.P. Cooperative Societies Act, 1964.

3. One of the reasons for superseding the Committee is on the ground that the 3rd respondent did not consult the lending bank as required by Section 34 (6) of the Act before taking such a decision and contends that on said ground alone the impugned order is vitiated.

4. In support of the said contention, learned counsel for petitioners placed reliance on decision of this Court in **Appana Suribabu Vs. Registrar of Cooperative Societies, Peddapuram**¹ followed in **Janga Raghava Reddy and others Vs. The State of Telangana, Cooperative Department**². Following the decision of the Supreme Court, learned single Judge of this Court in **Appana Suribabu** held that not following the procedure required by Section 34 (6) of the Act vitiates the orders of supercession.

5. Having regard to the provision in Section 34 (6) of the Act, learned Government Pleader fairly submits that matter may be remitted to the 3rd respondent to follow the procedure as required under Section 34 (6) of the Act.

6. Having regard to the above submissions, writ petition is allowed setting aside the impugned order primarily on the ground that the impugned order is not preceded by consultation with the funding

¹ (2000) 1 ALD 135

² 2017 SCC Online Hyd 206

bank as required by Section 34 (6) of the Act. However, this order does not come in the way of 3rd respondent taking further course of action as required by law and on due compliance of the provision in Section 34 (6) and since the impugned order in the writ petition is set aside on the ground of non compliance of Section 34 (6) of the Act, all other issues are left open to be agitated in appropriate proceedings. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 10-12-2018
TVK



HONOURABLE SRI JUSTICE P. NAVEEN RAO



WRIT PETITION No. 44645 of 2018

Date : 10.12.2018