

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 46314 of 2018

Date : 20.12.2018

Between:

Komara Venkatesh S/o Late K Siddaiah Age 50 Years Occ
President Telugu Film Industry Employees Federation R/o
Flat No 12 A Jayadarshini Residency White Field Kondapur
Hyderabad 500084

Petitioner

And

The Telangana State
Represented by its Principle Secretary Revenue
ASN III Urban Development Secretariat Hyderabad & others
Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Revenue and learned Government Pleader for Cooperation.

2. Petitioner is President of Telangana Cini Workers Cooperative Housing Society Limited/4th respondent. The Managing Committee of the 4th respondent comprises of 12 members, including the President. 8 members of the Managing Committee of the 4th respondent moved motion of no confidence against the petitioner and submitted requisition to the Joint Registrar/ District Cooperative Officer-3rd respondent to convene the meeting of the Managing Committee to consider the motion of no confidence. Having satisfied with the validity of the motion of no confidence requisition, 3rd respondent vide his proceedings dated 17.11.2018 ordered convening of the meeting of the Managing Committee on 10.12.2018 at 11.30 AM and issued notice to petitioner to attend the said meeting. On 10.12.2018 as informed in advance, meeting of the Managing Committee was held. The meeting was attended by 8 members of the Managing Committee. The motion was put for discussion and after due deliberations, the motion was passed expressing no confidence in continuation of the petitioner as President of the 4th respondent society. Satisfied with the procedure followed, 3rd respondent passed orders in exercise of power under Section 34-A (2) of the Telangana Cooperative Societies Act, 1964 removing petitioner from the post of President. On the same day another notice was issuing convening the meeting of the Managing Committee on 22.12.2018 at 11.30 AM in the office of the society to elect the new President of the Managing Committee.

3. This writ petition is filed challenging the orders of the 3rd respondent dated 10.12.2018 referred to above.

4. Learned counsel for petitioner sought to contend that there was animosity among the members of the Managing Committee for the cause espoused by the petitioner against one of the members of the Managing Committee and that triggered decision to move motion of no confidence and therefore it is not in the interest of the society to validate the resolution passed by Managing Committee on 10.12.2018 removing the petitioner from the post of President and the consequential decision to conduct fresh elections and if fresh elections are conducted it would result in chaotic situation effecting welfare of the members of the society. However, learned counsel for petitioner did not dispute that due procedure was followed in placing the requisition to convene the meeting of the Executive Committee to consider the request of motion of no confidence against the petitioner and convening of the meeting as required by Section 34-A of the Act, 1964.

5. Against the decision made under Section 34-A of the Act, appeal shall lie to the Cooperative Tribunal under Section 76 (1) of the Act, 1964. Thus, petitioner has effective and efficacious remedy against the orders passed by the 3rd respondent under Section 34-A (2) of the Act, 1964. As noted above, no procedural infirmity going to the root of the entire procedure is pointed out warranting interference by this Court, allowing the writ petitioner to institute the writ petition bye-passing the remedy of appeal.

6. Writ petition is dismissed leaving it open to the petitioner to avail the remedy of appeal provided under Section 76 of the Act, 1964. It is needless to observe that Court has not gone into the merits of the claims in the writ petition. It is open to the petitioner to raise all

available grounds in the appeal, if any preferred and Cooperative Tribunal shall consider the same notwithstanding dismissal of the writ petition. Miscellaneous petitions, if any pending, are closed.

DATE: 20-12-2018
TVK

P NAVEEN RAO,J



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