

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

W.P.No.41580 OF 2017

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

The petitioner, a Section Officer in High Court and a Member of the A.P. High Court Employees Mutually Aided Cooperative Housing Society Limited, prays for Mandamus declaring the inaction of respondents 3 and 4 in taking action on the report dated 25.05.2017 submitted by 4th respondent and on the representation dated 08.11.2017 submitted by the members of the 2nd respondent Society to convene General Body Meeting as required under Section 23(3) of the Act for appointment of *ad hoc* committee for conducting elections to all the posts of Directors of 2nd respondent Society, as illegal, arbitrary and contrary to the provisions of Mutually Aided Cooperatives Societies Act, 1995.

The petitioner refers to the letter dated 25.05.2017 addressed by the Assistant Registrar (Charminar) to the Deputy Registrar of Co-operative Societies (Charminar) Hyderabad. The operative portion of the said letter reads thus:-

“In this regard it is submitted that, on verification of the copy of Circular No.HS-1/2017 dated 26.12.2016, issued by the society, communicating the notice to conduct of annual General Body which was enclosed to the reference 1st cited, there was no agenda item found for placing the Final Audit Report before the Annual General Body Meeting for its approval. According to the Section 21(6) (c) of the Andhra Pradesh Mutually Aided Cooperatives Societies Act, 1995 placing of Final Audit Report is one of the statutory item in conduct of Annual

General Body Meeting. Moreover, the President of the Society vide reference 3rd cited submitted that the Ex-Managing Committee has not handed over the records of the society. It seems that the society has not placed the Final Audit Report before the Annual General Body Meeting. But, the existing Managing Committee should have brought to the notice of non handing over of the records of the society by the Ex-Managing Committee and thus they could not arranged to conduct of audit of the society and could placed the final audit report for approval of the General Body.

Further, the President of the society in their letter vide reference 3rd cited ahs not defended the allegations of the petition with regard to the disqualification of the present Managing Committee and other allegations levelled in the petition. Moreover, the President of the society has not produced the records at least from the date of their assumption of charge of the society i.e., 06.11.2016.

In the circumstances explained above, without verifying the records of the society it is not possible to submit the status report of the society along with other allegations levelled against the existing Managing Committee by the complainant. Therefore, I could not submit the status report".

The petitioner, along with a few other employees, is representing respondents 3 and 4 on 08.11.2017. The writ petition has been heard along with connected batch of writ petitions where the holistic view of commissions and omissions in the Society, its affairs etc., are noted.

The petitioner seeks civil and criminal action against the Managing Committee of 2nd respondent Society by respondents 3 to 5. The inaction complained by the petitioner, it appears to us, is more in the nature of taking up post-election issues and the petitioner, if has legitimate grievance there are sufficient forums

provided in the Society and also when the General Body is called for, these issues can be raised. We are conscious of the directions issued in W.P.No.18935 of 2007 which have bearing on these allegations and secondly unless and until the petitioner shows a statutory right for issuing a direction to dispose of the representation, we are not inclined to take note of the inaction complained by the petitioner and issue direction. The remedies available in law are preserved and the dismissal shall not be understood as expressing a view on merits.

The writ petition fails and is, accordingly, dismissed. No order as to costs.

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



THOTTATHIL B. RADHAKRISHNAN, CJ

S.V.BHATT, J

28th December, 2018
Prv

