

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 10381 of 2008

ORDER:

In this writ petition, grievance of the petitioners is, inaction on the part of the official respondents in acting on their complaint dated 11.12.2008 with respect to the alleged irregularities of respondent No.3-A.P.Secretariat Employees Mutually Aided Cooperative Housing Society.

In para 8 of the counter-affidavit filed by respondent Nos.3 and 4, it was categorically asserted as under:

“In reply to para 6, it is submitted that the petitioner never applied to the third respondent society for becoming the members of the society. The society has not received the applications from the petitioners. I submit that as per our information, petitioner No.1 has joined the Secretariat service on 01.10.2001 and hence, he did not put up the minimum service of 5 years as on 31.03.2003, which was the cut off date for fixing the eligibility. Petitioner Nos.2, 4 and 6 are having their own houses i.e. the address mentioned in the cause title. I submit that as per bye law No.3 (iii) (c) of the society, the membership of the society shall be related to the extent of the land available or expected to be available. It is also laid down that society should not admit new member unless the entire members already enrolled are provided with plot. I submit that as on today, 1284 members of the society, who have paid share capital and development charges are awaiting allotment of plots scheduled for 10-05-2008. The petitioners at this juncture are trying to get house sites allotted to them by superseding all the other senior members of the third respondent society.”

Learned Standing Counsel appearing for respondent Nos.3 and 4 submits that in terms of Section 29(2) of the Telangana Mutually Aided Cooperative Societies Act, 1995 (for short 'the Act'), no enquiry as such can be conducted merely at the instance of the individuals without satisfying the statutory requirements.

Section 29(2) of the Act reads as under:

(2) The Registrar may, of his own motion, and shall on the application, of a federation to which the Co-operative Society concerned is affiliated, or of a creditor to whom the Co-operative Society is indebted or of not less than one-third of the Director, or of not less than one-tenth of the members, hold an inquiry or cause an inquiry to be made into the specific matter or matters relating to any gross violation of any of the provisions of this Act by the Co-operative Society.

In the present case, there is no assertion in the writ petition that the petitioners have satisfied the statutory requirements for initiation of the enquiry under Section 29(2) of the Act. In the circumstances, no mandamus can be issued.

The writ petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall also stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:10.12.2019

kdl