

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.14303 of 2019

ORDER:

This Writ Petition is filed seeking Writ of Mandamus declaring the action of the 2nd respondent in passing the order without considering the plea of the petitioner in CMA No.01 of 2019, without issuing the order to the petitioner, as illegal and arbitrary and consequently, to set aside the same.

It is the case of the petitioner that he is a member of the 4th respondent; that he filed nomination for the post of Joint Secretary, the same was rejected vide order dated 10.05.2000. Aggrieved by the same, petitioner filed OS No.57 of 2000, wherein the Court below granted interim stay on 12.05.2000 and subsequently allowed IA No.5 of 2000 by passing final orders on 14.02.2005 and the matter was pending for the last 14 years. However, the 4th respondent filed CMA No.1 of 2019 before the 2nd respondent, wherein petitioner received notice on 21.06.2019 to appear before the 2nd respondent on 22.06.2019 at 11.00 a.m, but neither the pleadings nor material papers were furnished to the petitioner. The petitioner appeared on 22.06.2019 before the 2nd respondent and sought time for filing counter. The said CMA was filed against order dated 14.02.2005 in the year 2019 without filing any application for condonation of delay of 14 years. However, the 2nd respondent allowed the same, by setting aside the order dated 14.02.2005 in IA No.55/2000 in OS No.57 of 2000. Though order was

passed on 22.06.2019 and a copy application was filed on 24.06.2019 for obtaining certified copy of the order in CMA, no such order was furnished to the petitioner. The 4th respondent, under the guise of orders in CMA, issued information regarding general body meeting on 12.07.2019 for conducting elections through whats app. Aggrieved by the same, present writ petition is filed.

After filing of writ petition, learned Government Pleader produced copy of orders dated 22.06.2019. Though counter affidavit is filed by the 4th respondent, nothing is mentioned about abnormal delay in filing CMA No.1 of 2019, which goes to show that the assertions made by the petitioner are true.

Heard learned counsel for the petitioner and learned Government Pleader for Social Welfare appearing for respondents 1 to 3 and learned counsel for the 4th respondent.

It is not known as to how the 2nd respondent entertained the appeal after a period of 14 years against orders passed in I.A.No.55 of 2000 in OS No.57 of 2000 dated 14.02.2005, without there being any application for condonation of delay. The impugned order passed by the 2nd respondent is also bereft of reasons.

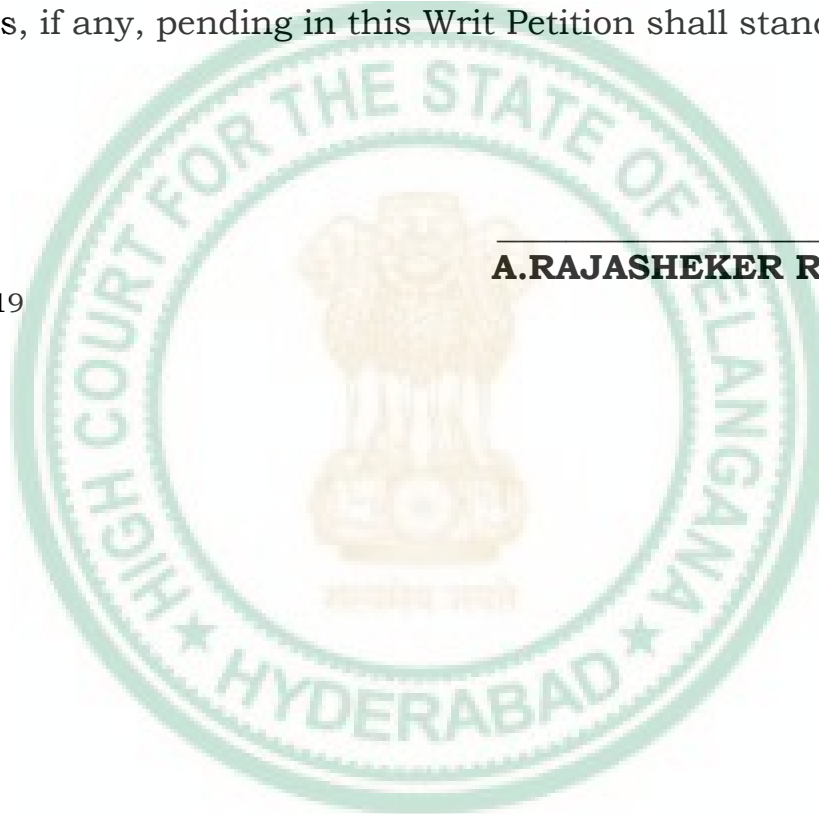
Learned Government Pleader for Social Welfare appearing for respondents 1 to 3 as well as learned counsel appearing for the 4th respondent fairly conceded that the order dated 22.06.2019 in CMA No.1 of 2019 is liable to be set aside.

In view of above facts and circumstances, the order of the 2nd respondent dated 22.06.2019 in CMA No.1 of 2019 is set aside. However, the 2nd respondent is directed to dispose of the suit filed by the petitioner, within a period three months from the date of receipt of a copy of this order, in accordance with law.

Accordingly, this Writ Petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

21-08-2019
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A.RAJASHEKER REDDY,J



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