

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

W.A. No. 864 of 2019

Date: 25-11-2019

Between:

G. Prabhakar

...Appellant

And

The State of Telangana
Rep. by its Prl. Secretary
Agriculture, Marketing and Co-operation Department
Secretariat, Hyderabad and 7 others

...Respondents

Counsel for the appellant: Mr. Srinivasa Rao Putluri

Counsel for respondent Nos. 1 to 6: GP for Cooperation (TG)

Counsel for the respondent No. 7: Mr. N. Rajeshwar Rao

The Court made the following:

Judgment: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The appellant (writ petitioner) has challenged the legality of Common Order dated 27-09-2019, passed by a learned Single Judge in W.P. No. 18629 of 2019, whereby the learned Single Judge had disposed of the said writ petition along with two other writ petitions, *namely* W.P. Nos. 12256 and 7622 of 2019, with a clear direction to respondent No. 3, the Commissioner for Cooperation and Registrar of Co-operative Societies (for short 'the Commissioner'), to take steps for appointment of a new official person incharge other than the Joint Registrar/ District Cooperative Officer, and for conducting election to respondent No. 7, the Hyderabad District Government Employees Co-operative Housing Society (for short 'the Society'), after redressing the grievances of the writ petitioners and other members of the said Society in accordance with law. The learned Single Judge had given two months' time for carrying out the said exercise.

The learned counsel of the appellant submits that the appellant is aggrieved by the fact that despite having made certain allegations against the Management Committee of the

Society, there is no direction in the impugned order to continue enquiry against the said Committee. Moreover, he claims that without implementing the directions of the learned Single Judge in toto, the Commissioner is about to issue the election notification. The said election notification is about to be issued without redressing the grievances of the writ petitioners. Hence, the appellant is aggrieved by the impugned order.

On the other hand, the learned counsel for the official respondents submits that the Commissioner himself is bound by the direction issued by the learned Single Judge. Therefore, the apprehension expressed by the appellant is highly misplaced.

Needless to say, once a direction has been issued by the learned Single Judge, the Commissioner is bound to follow the same.

A bare perusal of the directions quoted hereinabove clearly reveals that the Commissioner is duty bound to redress the grievances of the appellant, and of all other members of the Society, then to appoint an official person

incharge for conducting the election, and only thereafter, conduct the election to the Society. The said directions issued by the learned Single Judge cannot be ignored by the Commissioner (respondent No. 3). Therefore, this Court finds that the apprehension entertained by the appellant is highly misplaced. Hence, the appeal stands disposed of.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 25th November, 2019
lur

