

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.15184 of 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief:

“.... to issue a writ or order, more particularly in the nature of writ of mandamus directing respondent No.2 herein to grant leave to the petitioner herein to proceed the money suit vide O.S.No.16 of 2010 on the file of the Honourable Judge, Family Court-cum-IV Additional District & Sessions Judge, Adilabad, according to Section 121 (2) of A.P. Co-operative Societies Act 1964, and consequently declare the action of respondent No.2 herein in rejecting the request of petitioner for granting the said leave to continue the civil suit through proceedings vide Rc.No.5218/2003-S dated 29.3.2016 without valid reasons is illegal, arbitrary, violative of Article 14, 21 of the Constitution of India and section 121 (2) of A.P. Co-operative Societies Act 1964.”

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Industries appearing for the 2nd respondent. Perused the record.

3. Learned counsel for the petitioner would submit that when this Court passed order, dated 26.02.2016, in W.P.No.5880 of 2016, directing the 2nd respondent to pass appropriate orders on the representation of the petitioner, dated 30.01.2016, the 2nd respondent passed order on 29.03.2016, without giving any notice and without affording the opportunity of hearing the petitioner, which is erroneous and in violation of principles of natural justice and hence, he prays to set aside the impugned order.

4. In this case, it is to be seen that the impugned order is bereft of reasons. Except referring to the order passed by this Court in

W.P.No.5880 of 2016, no reasons are given in the impugned order, which shows that the 2nd respondent has passed the order without application of mind. It is also appears from the record that no notice was issued to the petitioner before passing the impugned order, which is also in violation of principles of natural justice. Therefore, on that ground only, the impugned order is liable to be set aside.

5. Accordingly, the Writ Petition is allowed setting aside the impugned order, dated 29.03.2016, and the matter is remanded to the authority concerned to pass appropriate orders on the representation of the petitioner, dated 30.01.2016, after giving notice and after affording the opportunity of hearing the petitioner.

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

A.RAJASHEKER REDDY, J

JUNE 13, 2019
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Date:13.06.2019

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