

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No. 15768 of 2022

ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Cooperation appearing on behalf of respondent Nos.1 & 2. With their consent, the present Writ Petition is being disposed of at the admission stage itself.

Questioning the action of the respondent No.2 – District Cooperative Officer, Medchal-Malkajgiri District, in not complying with the statutory provisions laid down under Section 34-A(3) of the Telangana Cooperative Societies Act, 1964 (for short 'the Act'), in serving the notice dated 14.03.2022 to the petitioner and without giving 15 clear days notice, the petitioner has filed the present Writ Petition.

The learned counsel for the petitioner has stated that the petitioner, who is one of the members of the Managing Committee of the respondent No.3 society, has sought to challenge the impugned notice dated 14.03.2022 on the ground

that it was served on him on 16.03.2022 and the same does not meet the requirement of Section 34-A(3) of the Act, as per which, the Registrar shall give notice of not less than fifteen clear days from the date of notice of such meeting in such manner as may be prescribed. The learned counsel has further stated that the impugned notice dated 14.03.2022 has been issued to one K. Vijay Kumar, who is the President of the respondent No.3 society, under Section 34-A(3) of the Act informing about the no confidence motion moved against him.

The Full Bench of this Court in ***Smt. K. Sujatha vs. The Government of Andhra Pradesh***¹, has held, at paras 22 and 28, as under:

“22. There is also no dispute as regards the second portion that there shall be fifteen clear days available between the two relevant dates i.e. the date of notice and the date of proposed meeting. This portion of Rule 3 is also mandatory inasmuch as the concerned officer cannot act in a manner of even issuing notice of a period of less than fifteen clear days. Both the portions being mandatory in nature, breach of these two conditions would make the meeting as well as the proceedings taken therein invalid.

¹ 2004 (2) APLJ 330 (HC)

28.... The purpose and object of giving notice of consideration of no confidence motion is only to give due intimation to the members or information of the proposed meeting. Therefore, the fact that a member has got a shorter period of notice than fifteen clear days from the date of receipt of the notice would not matter. When notice is sent by post and the law permits the date of sending of notice to be treated as the date of delivery in that case obviously the period available to the member will be shorter than fifteen clear days from delivery to meeting, therefore, there is no reason why the Rule 3 be held to be mandatory as regards the service of notice. Unless it is shown that the shortfall in the period of notice of the meeting has caused some prejudice to the member, neither the meeting nor the proceedings taken thereunder would be said to be invalid. It is only in the eventuality of prejudice being shown that the meeting or the proceedings taken thereunder can said to be invalid.”

Having regard to the above, unless and until the petitioner shows that some prejudice would be caused to him personally due to the non-service of the impugned notice dated 14.03.2022, the prayer sought by the petitioner cannot be granted. Moreover, the motion of no-confidence is not against the petitioner but against one Sri K. Vijaya Kumar, President of the respondent No.3 society, who is not before this Court nor the petitioner is representing the said Srk K.Vijaya Kumar.

Therefore, even on that ground also, the petitioner cannot have any grievance.

In the result, this Writ Petition fails and the same is dismissed accordingly.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

A. ABHISHEK REDDY, J

29th MARCH, 2022.

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