

HIGH COURT FOR THE STATE OF TELANGANA: AT HYDERABAD

**MONDAY ,THE ELEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

**THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

WRIT APPEAL NO: 1989 OF 2005

Writ Appeal under Clause 15 of the Letters Patent preferred against the Order in W.P.No. 20071 of 2004 dt. 21-6-2005, on the file of the High Court.

Between:

Satti Satyanarayana Reddy, S/o. Thatha Reddy R/o. 15, Sri Lalitha Nagar Colony, Jillelaguda Village, Hyderabad,

...APPELLANT

AND

1. V.Rajeshwar Rao,, S/o Late Venkata Ramaiah, President, M/s.Bharani Mutually Aided Cooperative Housing Society Ltd., (Registered No.AMC/RR/DCO/43/99) R/o 12-2-725/3, P&T Colony, Rethi Bowli,
2. Government of Andhra Pradesh,, Rep. by its Secretary, Agriculture and Cooperative Department, Secretariat, Hyderabad,
3. Commissioner for Cooperation and Registrar of, Co-operative Societies, Andhra Pradesh, Hyderabad,
4. Joint Registrar/District Cooperative Officer, Ranga Reddy District,
5. Deputy Registrar/Divisional Cooperative Officer, Hyderabad (West) Division, Ranga Reddy District,

...RESPONDENTS

Counsel for the Appellant: SRI SHYAM S.AGRAWAL

Counsel for the Respondent No.1: SRI SITA RAM CHAPARLA

Counsel for the Respondent Nos.2 to 5: GP FOR COOPERATION

The Court delivered the following:

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.1989 of 2005

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of an order dated 21.06.2005 passed by the learned Single Judge in W.P.No.20071 of 2004.

The facts of the case reveal that the writ petition was preferred by one V.Rajeshwar Rao being aggrieved by the action initiated against him under the provisions of the Andhra Pradesh Co-operative Societies Act, 1964 (now the Telangana Cooperative Societies Act, 1964) (hereinafter referred to as, the 1964 Act).

The undisputed facts of the case make it very clear that initially the Society in question i.e., M/s.Bharani Mutually Aided Co-operative Housing Society Limited, was registered under the provisions of the 1964 Act. However, it was later on converted into a Mutually Aided Cooperative Society. Summons was issued under Section 55 of the 1964 Act, to the writ petitioner, who was an Ex-President

of the Society to furnish the details and the learned Single Judge has set aside the summons on the ground that action cannot be initiated under the 1964 Act if the Society is no longer a Cooperative Society. The summons dated 05.10.2004 was set aside.

In the considered opinion of this Court, at the relevant point of time when the summons was issued, the Society in question was certainly not a Cooperative Society and therefore, it was not amenable to the jurisdiction of the authorities under the 1964 Act and any action taken in the matter should have been taken under the Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995 (now Telangana Mutually Aided Co-operative Societies Act, 1995).

Resultantly, this Court does not find any reason to interfere with the order passed by the learned Single Judge. However, a liberty is granted to the parties to proceed ahead in accordance with law under the provisions of the Telangana Mutually Aided Co-operative Societies Act, 1995.

The writ appeal is accordingly dismissed.

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

SD/- K. SAILESH
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. Two CCs to the GP for Cooperation, High Court for the State of Telangana [OUT]
2. One CC to SRI SHYAM S.AGRAWAL, Advocate [OPUC]
3. One CC to SRI SITA RAM CHAPARLA, Advocate [OPUC]
4. Two C.D. Copies
5. One Spare Copy.

MRC

GJP



HIGH COURT

DATED:11/04/2022

JUDGMENT

WA.No.1989 of 2005



DISMISSING THE WRIT APPEAL
WITHOUT COSTS

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