HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 6835 OF 2008

Between:

R. Ravi Prakash S/o: Sri Sriramulu, Aged about 57 years, Occ:Govt. Employee R/o C-17, Film Nagar, Road No.9 Jubilee Hills, Hyderabad.

...PETITIONER

AND

1. Government of Andhra Pradesh Agriculture and Cooperation (Coop.VIII) Department, Secretariat, Hyderabad, rep by its Principal Secretary (CandAM),
2. Film Nagar Cooperative Housing Society Ltd., Film Nagar, Hyderabad, rep by its Secretary.
3. The Registrar of Cooperative Societies, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus, or any other appropriate Writ, order or direction, declaring the Memo No. 90/Coop. VIII/2001, dt:6-12-2007 passed by the first Respondent as illegal, arbitrary and contrary to Bye-Law No. 7 of the Second Respondent Bye-Laws and set a side the same.

I.A. NO: 1 OF 2008(WPMP. NO: 8934 OF 2008)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased grant interim suspension of the Memo No. 90/Coop. VIII/2001 dt 6-12-2007 passed by the first Respondent, pending disposal of the above WP.

I.A. NO: 1 OF 2012(WPMP. NO: 27047 OF 2012)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased permit the petitioner to file additional material papers in W.P.No.6835 of 2008 in the interest of justice

I.A. NO: 2 OF 2008(WPMP. NO: 9344 OF 2008)

Between:

R. Ravi Prakash S/o: Sri Sriramulu, Aged about 57 years, Occ:Govt. Employee R/o C-17, Film Nagar, Road No.9 Jubilee Hills, Hyderabad.

AND **...PETITIONER/PETITIONER**

1. Government of Andhra Pradesh Agriculture and Cooperation (Coop.VIII) Department, Secretariat, Hyderabad, rep by its Principal Secretary (CandAM),
2. Film Nagar Cooperative Housing Society Ltd., Film Nagar, Hyderabad, rep by its Secretary.
3. The Registrar of Cooperative Societies, Hyderabad.

...RESPONDENTS/RESPONDENTS

4. Doordarshan Staff Cooperative Housing Society, Rep. by its Secretary, Doordarshan Kendra, Ramanthapur, Hyderabad.

...proposed 4th Respondent

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the proposed 4th Respondent herein as Respondent No.4 in WP No. 6835 of 2008.

Counsel for the Petitioner: SRI RAJAGOPALLAVAN TAYI

Counsel for the Respondent No.: SRI S. NARASIMHA RAO

Counsel for the Respondent Nos.1 and 3: GP FOR COOPERATION

Counsel for the Respondent No.2: SRI S. RAVI

The Court made the following: ORDER

THE HONOURABLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION NO.6835 OF 2008

O R D E R

This Writ Petition is filed seeking a Writ of Mandamus declaring Memo No.90/Coop.VIII/2001 dt.06.12.2007 passed by the 1st respondent as illegal, arbitrary and contrary to the Bye-law No.7 of the 2nd respondent Bye-laws and to set aside the same and to pass such other order or orders.

2. Brief facts leading to the filing of the present Writ Petition are that the petitioner was allotted membership No.302 in the 2nd respondent society in the year 1978 as per the Bye-laws of the 2nd respondent society and in view of his experience in the film field in various capacities. In the year 1982, the petitioner was allotted a plot bearing No.C-17. It is submitted that in the year 1982, the petitioner could secure a job in Doordarshan and he also became a member of the Doordarshan Cooperative Housing Society, Ramanthapur, Ranga Reddy District. It is submitted that the 2nd respondent society is operating within the twin cities of Hyderabad and Secunderabad, whereas the

Doordarshan Housing Society is a registered society with area of operation of Ranga Reddy District. It is submitted that at the time of becoming a member of the Doordarshan Cooperating Housing Society, since the society is operating in a different District, there was no objection of any sort with regard to his membership.

3. It is submitted that on the alleged complaints raised by some of the members, the 2nd respondent held a meeting on 25.09.1999 and passed a resolution expelling the petitioner from the membership of the 2nd respondent society on the ground that he was a member of another housing society with similar objects. Against the same, the petitioner preferred a revision petition before the 1st respondent which was dismissed on 15.11.2000 and against the same, he filed W.P.No.25121 of 2000 before this Court and this Court was pleased to allow the Writ Petition directing the respondents therein to consider his objections and pass a reasoned order. It is submitted that while the 1st respondent kept the revision petition pending, the 2nd respondent society also filed a Writ Petition in W.P.No.1978 of 2007 which was disposed of, *vide* order dt.05.12.2007, with a direction to the 1st respondent to dispose of the revision petition and accordingly, the impugned Memo dt.06.12.2007

has been issued dismissing the revision petition of the petitioner. Challenging the same, the present Writ Petition has been filed.

4. Learned counsel for the petitioner submits that when the petitioner had become a member of the 2nd respondent society, he was not a member of any other society and therefore, he cannot be expelled from the membership of the 2nd respondent society subsequently. He has drawn the attention of this Court to the Bye-laws of the 2nd respondent society and submitted that Bye-law No.7, which deals with eligibility services by the society, prescribes that a person who is already a member of any other society with the same or similar objects of the society, shall not be entitled to similar services by the society except with the permission in writing of the Registrar. He submits that there is no bar in continuation of the petitioner as a member of the 2nd respondent society. He further referred to Bye-law No.16 to submit that no member shall be expelled under clause (1) until the resolution referred to therein is approved by the Registrar.

5. Learned Standing Counsel for the 2nd respondent society, however, submitted that since the petitioner was a member of two housing societies with similar objects, the petitioner could not continue

as member of the 2nd respondent society and therefore, the order of expulsion has been passed and the revision filed by the petitioner has also been dismissed.

6. Having regard to the rival contentions and the material on record, this Court finds from the impugned order that the only reason given for expulsion of the petitioner as member of the 2nd respondent society is Bye-law No.7. It is noticed that the petitioner became the member of the 2nd respondent society in the year 1979 and he was allotted a plot bearing No.17/A and the petitioner has constructed a house thereon and it was subsequent thereto that the petitioner was again admitted as a member in Doordarshan Staff Cooperative House Building Society and *vide* resolution No.176 dt.03.09.1984, the petitioner got allotted a Plot No.A1-56 which was later changed to A2-38. Bye-law No.7 of the 2nd respondent society only prescribes that if a person is a member of two societies with similar objects and who avails himself of the services of such other society, he shall not be entitled to similar services in this society except with the permission in writing of the Registrar. The petitioner has already availed the services of both the societies in allotment of plots and has constructed houses thereon also. Therefore, he is not entitled to any similar services of the 2nd respondent society

hereafter except with the permission in writing of the Registrar. Therefore, there is no cause for expelling the petitioner from the membership of the 2nd respondent society. The petitioner could not have become the member of Doordarshan Staff Cooperative House Building Society if there was any such prohibition therein but the petitioner could not have been expelled for subsequent events. In view of the same, the reason given for expelling the petitioner from the membership of the 2nd respondent society is not sustainable and the impugned Memo dt.06.12.2007 is accordingly set aside. However, it is made clear that the petitioner shall continue only as the member of the society but shall not be eligible for any of the services of the 2nd respondent society without the permission of the Registrar in writing.

7. The Writ Petition is accordingly allowed. No order as to costs.

8. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

Witness THE HON'BLE CHIEF JUSTICE ALOK ARADHE, Monday, the Thirtieth Day of December Two Thousand and Twenty Four

SD/-L.LAKSHMI BABU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

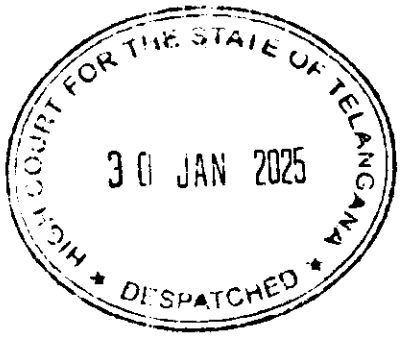
To,

1. Government of Andhra Pradesh Agriculture AND, Cooperation (Coop.VIII) Department, Secretariat, Hyderabad, rep by its Principal Secretary (CandAM),
2. The Secretary, Film Nagar Cooperative Housing Society Ltd., Film Nagar, Hyderabad.
3. The Registrar of Cooperative Societies, Hyderabad.
4. One CC to Sri Rajagopallavan Tayi, Advocate [OPUC]
5. Two CCs to GP for Cooperation, High Court for the State of Telangana, At Hyderabad [OUT]
6. One CC to Sri S. Ravi, Advocate [OPUC]
7. Two CD Copies

T J
BSK

HIGH COURT

DATED:30/12/2024



ORDER

WP.No.6835 of 2008

ALLOWING THE WRIT PETITION

WITHOUT COSTS

(10)

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30/01/25