

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATHI
(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE



PRESENT

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 18846 OF 2023

Between:

P. Nagesh Kumar, S/o Srirammurthy, Aged 49 years, Chairperson, The Arikirevula Primary Agriculture Co-Operative Society L.T.D., R/o.Chidipi (V), Kovvuru (M), East Godavari District.

...PETITIONER

AND

1. The State of AP, Rep. by its Principal Secretary, Agriculture and Cooperation (COOP.II) Department, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner for Cooperation and Registrar of Cooperative Societies, A.P., 11th Syamala Nagar, Guntur Town and Guntur District.
3. The District Co-operative Officer, Collectorate Campus, Rajahmundry, East Godavari District.
4. The Dy. Registrar, Divisional Co-operative Office, Collectorate Campus, Kovvuru Division, East Godavari District.
5. The Arikirevula P.A.C.S Ltd, Rep. by its Chief Executive Officer, R/o.Arikirevula (V), Kovvuru Mandal, East Godavari District.
6. Chava Peeraju, S/o. Satyanarayana, Aged about 50 years, R/o.Arikirevula Village, Kovvuru Mandal, East Godavari District.

...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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action, things and deeds of Respondents in not recommending the General Body Resolution No.8 dated 05-07-2023 of 5th Respondent for extension of Term of the existing Non Official PIC Committee for further 6 months for 5th Respondent Society to Respondent Nos. 1 and 2 in pursuance of the proceedings issued by Respondent No.3 in Rc.No.38/2022-C Dated. 26/06/2023, which is illegal, irregular, arbitrary, against to the Principles of Natural Justice, against to the directions issued in G.O.Ms.No.81 Agricultural and Co-operation (Coop-II) dated 27-01-2023, contra to the provisions of A.P.

Cooperative Societies Act and in violation of Article 14, 19 and 21 of Constitution of India, consequently direct the Respondents to recommend for extension of term of the existing Non Official PIC Committee for further 6 months to 5th Respondent Society.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to recommend the General Body Resolution No.8 dated 05-07-2023 of 5th Respondent to send the proposals to Respondent Nos. 1 and 2 for extension of the existing Non Official PIC Committee for further 6 months to 5th Respondent Society pending disposal of main Writ Petition.

Counsel for the Petitioner : SRI NARASIMHA RAO GUDISEVA

Counsel for the Respondent Nos.1 to 4 : GP FOR COOPERATION

Counsel for the Respondent Nos. 5 & 6 : NONE APPEARED

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.18846 of 2023

ORDER:

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

"to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action, things and deeds of Respondents in not recommending the General Body Resolution No.8 dated 05.07.2023 of 5th Respondent for extension of Term of the existing Non Official PIC Committee for further 6 months for 5th Respondent Society to Respondent Nos.1 and 2 in pursuance of the proceedings issued by Respondent No.3 in Rc.No.38/2022-C Dated 26/06/2023, which is illegal, irregular, arbitrary against to the Principles of Natural Justice against to the directions issued in G.O.Ms.No.81 Agricultural and Co-operation (Coop-II) dated 27.01.2023, contra to the provisions of A.P.Cooperative Societies Act and in violation of Articles 14, 19 and 21 of Constitution of India, consequently direct the Respondents to recommend for extension of term of the existing Non Official PIC Committee for further 6 months to 5th Respondent Society and to pass such other order or orders"

2. Heard learned counsel for the petitioner and learned Government Pleader for Cooperation for the respondents.

3. Learned counsel for the petitioner submits that the District Cooperative Officer/ 3rd respondent herein issued proceedings dated 26.06.2023, pursuant to the instructions received from the 2nd respondent herein directing the 4th respondent herein to submit

proposals for extending the term of the existing Non Official PIC Committees for further period after 30.06.2023. Pursuant to the said proceedings, the petitioner society passed a resolution dated 05.07.2023 seeking extension of term of members of the incumbent committee for a further period of six months.

4. He further submits that after such resolution, the present committee submitted a representation dated 15.07.2023 to the respondent Nos. 2 to 4 herein for appropriate action and for continuation of incumbent committee in whose favour the resolution was passed. Even after receipt of the said representation, respondent Nos. 2 to 4 neither acted upon nor considered the representation in any manner. Hence, the writ petition.

5. On the other hand, learned Government Pleader submits that the 1st respondent is empowered either to continue the incumbent committee for further period or it may appoint new PIC committee as per the reports/ proposals of the authorities concerned under Section 32(7)(a) of the Andhra Pradesh Cooperative Societies Act, 1964. He further submits that since the resolution was passed by the 5th respondent for extension of the period of the incumbent committee, the authorities concerned may exercise their power under Section 32(7)(a) in respect of the subject committee.

6. In view of the submissions made by the learned counsel for the petitioner and learned Government Pleader for the respondents, without going into the merits of case, this Court is of the opinion that the present writ petition can be disposed of directing respondent Nos. 2 to 4 herein to consider the representation dated 15.07.2023 submitted by the petitioner in reference to the resolution passed by the 5th respondent as well as the proposals of the 4th respondent herein within a period of four (04) weeks from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

Sd/- S.SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Agriculture and Cooperation (COOP.II) Department, State of AP, Velagapudi, Amaravathi, Guntur District.
2. The Commissioner for Cooperation and Registrar of Cooperative Societies, A.P., 11 th Syamala Nagar, Guntur Town and Guntur District.
3. The District Co-operative Officer, Collectorate Campus, Rajahmundry, East Godavari District.
4. The Dy. Registrar, Divisional Co-operative Office, Collectorate Campus, Kovvuru Division, East Godavari District.
5. One CC to Sri Narasimha Rao Gudiseva, Advocate [OPUC]
6. Two CCs to GP for Cooperation, High Court of Andhra Pradesh. [OUT]
7. Two C.D. Copies

Cnr
VNA

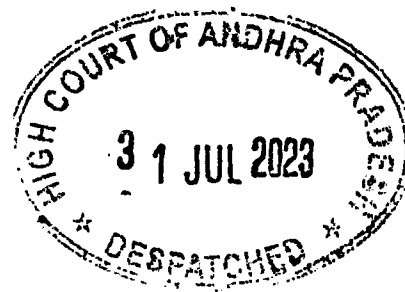
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HIGH COURT

DATED:27/07/2023

ORDER

WP.No.18846 of 2023



**DISPOSING OF THE W.P.
WITHOUT COSTS**

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