

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No. 19555 of 2023

ORDER:

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

“to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the 3rd respondent in not taking any action pursuant to the complaint dated 26.06.2023 vide Spandana Compliant No.KNSM202306263585 as illegal and arbitrary and further direct the 3rd Respondent to immediately initiate action pursuant to the complaint dated 26.6.2023 and direct the 4th Respondent to handover the possession of the subject property to the Petitioner Society and pass such other order or orders.”

2. Heard Sri Ch.Raghu, learned Senior Counsel representing Sri Kona N.D.V.Ramana Rao, learned counsel for the petitioner and learned Government Pleader for Cooperation for the respondents.

3. Learned counsel for the petitioner submits that the petitioner herein submitted a representation/ compliant in Spandana Programme on 26.06.2023 to respondent No.3 seeking to settle the lease dispute between the 4th respondent and the petitioner-society. He further submits that the 3rd respondent is

the competent authority to settle the lease disputes in relation to primary societies. Having received the said representation, the 3rd respondent neither acted upon nor initiated any proceedings nor informed the petitioner by way of any reply. He further submits that under Section 61 of the Andhra Pradesh Cooperative Societies Act, 1964, any dispute regarding the business of the society can be referred to the Registrar for settlement of the same.

4. For better appreciation, Section 61 of the Andhra Pradesh Cooperative Societies Act, 1964, is extracted hereunder:

“Disputes which may be referred to the Registrar. - (1)
Notwithstanding anything in any law for the time being in force, if any dispute touching the constitution, management or the business of a society, other than a dispute regarding disciplinary action taken by the society or its committee against a paid employee of the society, arises-

(a) among members, past members and persons claiming through members, past members and deceased members ; or

(b) between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or employee of the society ; Or

(c) between the society or its committee, and any past committee, any officer, agent or employee, or any past officer, past agent, or past employee or the nominee, heir or legal representative of any deceased officer, deceased agent or deceased employee of the society ; or

(d) between the society and any other society, such dispute shall be referred to the Registrar for decision.”

5. On the other hand, learned Government Pleader for Cooperation submits that since Section 61 of the said Act contemplates adjudication of disputes between the petitioner and other members who are in relation with the business of the society, the respondent Nos. 2 and 3 are under statutory obligation for settlement of the said dispute. He further submits that the representation dated 26.06.2023 submitted by the petitioner can be considered in accordance with law within a reasonable time.

6. Having regard to the submissions made by learned counsel for the petitioner and learned Government Pleader for Cooperation for the respondents and on perusal of the material placed on record, in view the facts and circumstances of the case, without going into the merits of the case, this Court is of the considered view that the present Writ Petition can be disposed of directing respondent Nos. 2 to 4 to consider and dispose of the petitioner's representation/ compliant dated 26.06.2023 within a period of four (04) weeks from the date of receipt of a copy of this order, after providing opportunity of hearing to the petitioner as well as the 4th respondent.

7. With the above direction, the present 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.

VENKATESWARLU NIMMAGADDA, J

03.08.2023
BSP

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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.19555 of 2023

03.08.2023
BSP