

(1987) 06 AP CK 0013

In the Andhra Pradesh High Court

Case No : Writ Petition No. 7013 of 1987

Somavarapu Venkateswara Reddy and Another

APPELLANT

Vs

The Collector (Co-operation), Nellore and Others

RESPONDENT

Date of Decision : 15-06-1987

Acts Referred:

Citation : AIR 1988 AP 66

Hon'ble Judges : Kodandaramayya, J

Bench : Single Bench

Advocate : M. Jaganmohan Reddy, for the Appellant; Govt. Pleader, for F. and A. and A. Ananda Reddy, for the Respondent

Judgement

1. The petitioners are stated to be the residents of Kolagatla village and they filed their nominations for being elected as members of Sangam Primary Agricultural Credit Society as the said village Kolagatla is added by the proceedings of the District Collector dt. 25-4-1987 in the area of operation of Sangam Society. It is averred that the Election Officer rejected the nominations stating that the Registrar of Co-operative Societies ordered the deletion of Kolagatla Panchayat area from Sangam Primary Agricultural Co-operative Credit Society and kept it with the previous area of Operation i.e., Atmakur Farmers Service Co- operative Society and the said proceedings are illegal and without jurisdiction and consequently the rejection of the nominations filed by them must be set aside.

2. It is now admitted that by virtue of the orders dt. 28-5-1987, the Registrar of Co-operative Societies accepted the appeal of Atmakuru Society and they have no notice of those proceedings and the deletion of this village from Sangam Society is illegal.

3. In this case we are primarily concerned with the rejection of nominations. No doubt the petitioners want to challenge the order of the Registrar directing the deletion of Kolagatla village from the area of operation of Sangam Society. The

sole question for determination in this case is, whether the petitioners who are members of Kolagatla Gram Panchayat can question the orders of the Registrar on the ground that they have no notice of the proceedings.

4. The appellate order dt. 28-5-1987 passed by the Registrar discloses that the Atmakur Society, in whose jurisdiction the area of operation of Kolagatla village is added, filed an appeal against the orders of the Collector dt. 25-4-1987 and the Registrar allowed the appeal and directed that Kolagatla village which is in the area of operation of Kolagatla village shall be kept in Atmakur society as per the policy decision of the Government and also taking into account its viability. Hence the question is, whether the members of Kolagatla Society in their individual capacity can question the right of the Atmakur Society for filing an appeal and obtaining the relief from the appellate authority. I take the view that they cannot. Admittedly Kolagatla Gram Panchayat is in the area of operation of Atmakur Society originally. That Atmakur society filed an appeal and obtained the relief. It is not possible for the Registrar to issue notice individually to "all the members of the Atmakur Society and find out whether their area of operation must be deleted from Sangam Society. This is mainly a dispute between two Societies viz., Atmakur and Sangam. If at all the Sangam Society can complain that their area of operation is deleted but not the individual members of the Atmakur Society. Here I must examine whether the individual members of the Society are entitled to notice on this question. I am of the view that the dicta of Supreme Court in Daman Singh and Others Vs. State of Punjab and Others, is clearly attracted to the facts of the case. In that case also the individual members whose area of operation is excluded from one society and added to another society, complained that they will be forced against their will without being heard to associate themselves with the other society and that is against the principles of natural justice and the Court should set aside the order of change of area of operation of one society. rejecting this contention the Supreme Court observed as follows -

"We have no hesitation in rejecting this submission also. Once a person becomes a member of a co-operative society, he loses his individuality qua the society and he has no independent rights except that given to him by the statute and the by-laws. He must act and speak through the society or rather, the society alone can act and speak for him qua rights or duties of the society as a body. So if the statute which authorises compulsory amalgamation of co-operative societies provides for notice to the societies concerned, the requirement of natural justice is fully satisfied. The notice to the society will be deemed as notice to all its members. That is why S. 13(9)(a) provides for the issue of notice to the societies and not to individual-members. S. 13(9)(b), however, provides the members also with an opportunity to be heard if they desire to be heard. Notice to individual members of a co-operative society. in our opinion, is opposed to the very status of a co-operative society as a body corporate and is, therefore, unnecessary. We do not consider it necessary to further elaborate the matter except to point out that a member who objects to the proposed amalgamation within the prescribed

time is given, by S. 31(11). the option to walk-out, as it were by withdrawing his share, deposits or loans as the case may be."

5. Hence I am of the opinion that the petitioners whose area of operation is admittedly in the Atmakur Society cannot complain that the proceedings of the Appellate Authority accepting the appeal filed by the very Atmakur Society are bad for want of notice to them. Hence I see no infirmity in the proceedings of either rejecting the nomination papers or accepting the appeal of Atmakur Society retaining Kolagatla village in the area of its operation. Hence the writ petition fails and the same is dismissed. No costs. Advocate's fee Rs.100/-.

6. Petition dismissed.