
(1997) 10 AP CK 0039

In the Andhra Pradesh High Court

Case No : Writ appeal No. 994 of 1997 and Writ Petition No. 6438 of 1997

T. Narendra Chowdhary

APPELLANT

Vs

N.M. Choudhary and Others

RESPONDENT

Date of Decision : 14-10-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 2 ALT 87

Hon'ble Judges : P.S. Mishra, C.J.; P. Ramakrishnan Raju, J

Bench : Division Bench

Advocate : A. Ramanarayan, for the Appellant; M.P. Chandramouli and P. Gangaiah Naidu, for the Respondent

Judgement

P.S. Mishra, C.J.—Heard.

2. Having gone through the impugned order, perused the description of the events and seen a large number of almost alarming disputes between the parties, whether in their own name or in the name of someone else who is only a mouth-piece on their behalf, the court has been persuaded to take the view that piecemeal determination of disputes has instead of resolving the controversies been escalating the controversies and creating confusion in the functioning of the society. When offered to consider the desirability of getting all disputes determined by a Body of arbitrators, with the consent of the parties, learned Counsel for the parties have taken time and consulted their respective clients. A proposal has accordingly been mooted at the Bar that M/s. P. Rama Rao, J. Retired Judge of this Court, N. Subba Raju, former Vice-Chairman, Andhra Pradesh Administrative Tribunal and D. Venkayya Chowdary, Cardiologist and former Chairman of Andhra Pradesh Public Service Commission be appointed to decide all the disputes which are pending in the Courts of law including this court whether in appeal or in original proceedings under Article 226 of the Constitution of India or before any Courts subordinate to this court, any authority under the control and superintendence of this court as well as disputes which parties may

desire to be finally decided and in respect of which they shall file statement of facts to be finally decided and in respect of which they shall file statement of facts before them. Registrar, Co-operative Societies shall for the said purpose make petitions in all such proceedings which are pending before the Court including Courts subordinate to this Court as well as before any other authority whether in original proceeding or in appeal or revision and all such proceedings, on such petition filed on behalf of the Registrar of Co-operative Societies, shall be closed subject to the condition that all disputes in all such proceedings shall stand referred to the Committee of arbitrators aforementioned. The Committee shall take decision by majority and decide upon its own procedure as well as in respect of fees and cost of arbitration. The Society shall provide full secretarial assistance to the Committee including services of all such paid employees whom the Committee shall requisition. Pending adjudication by the Committee of arbitrators, office bearers of the society as well as its managing committee shall discharge only routine functions and if any controversy would arise in respect of any of the functions discharged or to be discharged by any bearers or the managing committee, any of the parties shall be at liberty to refer the same to the arbitrators and all parties including the managing committee and which the arbitrators would give in respect of any such manner. Arbitrators shall dispose of the disputes as expeditiously as possible preferably within a period of three months from the date of entering upon the arbitration and give award, which would be binding upon the parties, recommending Registrar, Co-operative Societies action, if any, which in view of the adjudication would be found necessary including suspension of the managing committee or any office bearer or supersession of the society and/or elections by the General Body of the members of the Society and the Registrar of the Co-operative Societies shall implement the same. As a result of the above, the dispute in the instant appeal as well as in all appeals will be deemed to be alive as if nothing has been adjudicated in any proceeding by the Court in favour or against either party. Action, if any, taken or proposed to be taken by the Registrar, Co-operative Societies or any other authority in respect of any of the disputes aforementioned shall closed, except insofar as the arbitration as aforementioned is concerned.

3. We have no reason to think that any objection shall ever be raised by any member of the Society that any dispute raised by him is not referred to the arbitrators for as we have noticed above, disputes mainly have come from either the appellant either the appellant herein or the Respondent No. 1. In any case, since Society is represented before us, it is obvious, if interest of any such member is not adverse to the interest of the Society, it has represented the interest of all the members of the Society before us.

4. It is, however, made clear that for any dispute other than the matters which are referred to at the instance of the Registrar, as ordered by us above, any disputant can file his statement of fact before the arbitrators within one month from the date of the initiation of the arbitration.

5. The writ appeal and the writ petition are accordingly disposed of.