

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

FRIDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 24396 OF 2012

Between:

M/s. A.P. Dairy Development Coop. Federation Ltd., Lalapet, Hyderabad, rep. by its Managing Director, Mohammed Ali Rafath S/o: Mr. Mohd. Rahmath Ali, aged about 57 years Occupation: Managing Director, R/o- 12-2-422/53, Priya Colony, Gudimalkapur, Hyderabad - 500 208

...PETITIONER

AND

1. The Govt. of Andhra Pradesh, Rep. by its Principal Secretary, Animal Husbandry, Dairy Development and Fisheries Department, Secretariat Buildings, Hyderabad
2. The Registrar of Co-op. Societies, Gruhakalpa Buildings, Mozamjahi Road, Nampally, Hyderabad.
3. The District Coop. Officer, Karimangar District, Karimnagar.
4. The Registrar of Companies, Koti, Hyderabad.
5. M/s. Karimnagar Milk Producer Company Ltd., Karimnagar, Padmanagar, Karimnagar 505 002, (Formerly The Karimnagar-Adilabad Milk Producers Cooperative Union), rep. by its Managing Director

...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 orders more particularly one in the nature of Writ of Mandamus, declaring the action of the 5th Respondent in incorporating the 5th Respondent as a "Producer Company" under the Companies Act, with the Certificate of Incorporation dated 24-5-2012 is contrary to Sec. 581 (c), (j) and (j) (2) of the Companies Act, 1956, the G.O. Ms. No. 107 dated 12-10-1998 and the agreement dated 01-11-1998, besides being arbitrary, illegal and contrary to the

Principles of Natural Justice and violating Articles, 14, 19 (1) (g) and 300-A of the Constitution of India and consequently direct the 4th Respondent to cancel the Certificate of Incorporation dated 24-05-2012 issued by him converting the 5th Respondent into a Producer Company under the Companies Act, 1956

I.A. NO: 2 OF 2012(WPMP. NO: 31140 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 to suspend the Certificate of Incorporation dated 24-05-2012 issued by the 4th Respondent incorporating the 5th Respondent as a "Producer Company" under the Companies Act, pending disposal of the Writ Petition

I.A. NO: 1 OF 2012(WVMP. NO: 3193 OF 2012)

Between:

M/s. Karimnagar Milk Producer Company Ltd., Karimnagar, Padmanagar, Kariminagar 505 002, (Formerly The Karimnagar-Adilabad Milk Producers Cooperative Union), rep. by its Managing Director

...PETITIONER/RESPONDENT NO.5

AND

1. M/s. A.P. Dairy Development Coop. Federation Ltd., Lalapet, Hyderabad, rep. by its Managing Director, Mohammed Ali Rafath S/o: Mr. Mohd. Rahmath Ali, aged about 57 years Occupation: Managing Director, R/o 12-2-422/53, Priya Colony, Gudimalkapur, Hyderabad - 500 208

...RESPONDENT/WRIT PETITIONER

2. The Govt. of Andhra Pradesh, Rep. by its Principal Secretary, Animal Husbandry, Dairy Development and Fisheries Department, Secretariat Buildings, Hyderabad
3. The Registrar of Co-op. Societies, Gruhkalpa Buildings, Mozamjahi Road, Nampally, Hyderabad.
4. The District Coop. Officer, Karimangar District, Karimnagar.
5. The Registrar of Companies, Koti, Hyderabad.

...RESPONDENTS/RESPONDENTS NO.1 to 4

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 vacate

the interim order dated 08-08-2012 in WPMP No. 31140 of 2012 in WP No. 24396 of 2012 may be vacated.

**Counsel for the Petitioner: SRI N. GANGADHAR, REPRESENTING FOR
SRI S. ASHOK ANAND KUMAR**

**Counsel for the Respondent No.1: MS. MADHURI KUCHADI, REPRESENTING
FOR ADDL ADVOCATE GENERAL**

Counsel for the Respondent No.3: GP FOR COOPERATION

**Counsel for the Respondent No.3: SRI B. NARASIMHA SHARMA, ADDITIONAL
SOLICITOR GENERAL OF INDIA REPRESENTING FOR SRI GADI
PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent No.5: SRI A. PRABHAKAR RAO

Counsel for the Respondent No.2: ---

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.24396 of 2012

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. N.Gangadhar, learned counsel representing Mr. S.Ashok Anand Kumar, learned counsel for the petitioner.

Ms. Madhuri Kuchadi, learned counsel representing learned Additional Advocate General for respondent No.1.

Mr. B Narasimha Sharma, learned Additional Solicitor General of India representing Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for respondent No.4.

Mr. A.Prabhakar Rao, learned counsel for respondent No.5.

2. In this writ petition, the petitioner *inter alia* has prayed for the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ, order or orders more particularly one in the nature of Writ of Mandamus, declaring the action of the 5th Respondent in incorporating the 5th Respondent as a “Producer Company” under the Companies Act, with the Certificate of Incorporation dated 24-5-2012 is contrary to Sec. 581 (c), (j) & (j) (2) of the Companies Act, 1956, the G.O. Ms. No. 107 dated 12-10-1998 and the agreement dated 01-11-1998, besides being arbitrary, illegal and contrary to the Principles of Natural Justice and violating Articles, 14, 19 (1) (g) & 300-A of the Constitution of India and consequently direct the 4th Respondent to cancel the Certificate of Incorporation dated 24-05-2012 issued by him converting the 5th Respondent into a “Producer Company” under the Companies Act, 1956 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case.”

3. It is not in dispute that the grievance of the petitioner has to be examined by the Company Court constituted under the Companies Act, 1956.

4. In view of aforesaid, learned counsel for the petitioner submits that he be granted the liberty to

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approach the Company Court for redressal of the grievance.

5. Accordingly, the Writ Petition is disposed of in terms of liberty as prayed for.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

SD/-N. SRIHARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Animal Husbandry, Dairy Development and Fisheries Department, Secretariat Buildings, The Govt. of Andhra Pradesh, Hyderabad
2. The Registrar of Co-op. Societies, Gruhakalpa Buildings, Mozamjahi Road, Nampally, Hyderabad.
3. The District Coop. Officer, Karimangar District, Karimnagar.
4. The Registrar of Companies, Koti, Hyderabad.
5. The Managing Director, M/s. Karimnagar Milk Producer Company Ltd., Karimnagar, Padmanagar, Karimnagar 505 002, (Formerly The Karimnagar-Adilabad Milk Producers Cooperative Union).
6. One CC to Sr S. Ashok Anand Kumar, Advocate [OPUC]
7. Two CCs to GP for Cooperation, High Court for the State of Telangana, at Hyderabad [OJT]
8. Two CCs to The Additional Advocate, High Court for the State of Telangana, at Hyderabad [OPUC]
9. One CC to Sri A. Prabhakar Rao, Advocate [OPUC]
10. One CC to Sri Gadi Praveen Kumar, Deputy Solicitor General of India [OPUC]
11. Two CD Copies

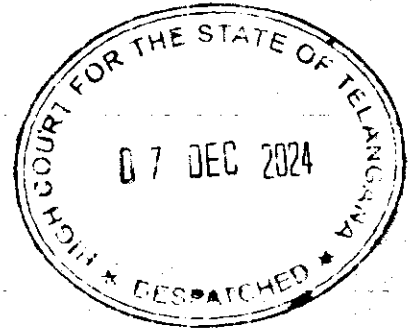
T J
GJP

HIGH COURT

DATED:30/08/2024

ORDER

WP.No.24396 of 2012



DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

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11/11/24.
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