Date of reserved for orders : ----
Date of pronouncement : 03-07-2026
Date of uploading : 06-07-2026

APHC010332192026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3458]**
(Special Original Jurisdiction)

FRIDAY, THE 3rd DAY OF JULY 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 17790/2026

Between:

1. KOTAGIRI RADHA KRISHNA RAO, @ RADHA KRISHNA KISHORE, S/O. LATE KOTAGIRI M.D.K. GANDHI, AGED ABOUT 55 YEARS, OCC BUSINESS, R/O.H.NO.3-13, RAMALAYAM CENTER, KAMAVARAPUKOTA VILLAGE AND MANDAL, ELURU/WEST GODAVARI DISTRICT, ANDHRA PRADESH.-534449

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, AGRICULTURE AND CO-OPERATION DEPARTMENT, SECRETARIAT, AMARAVATHI, ANDHRA PRADESH. 522237
2. THE DISTRICT COOPERATIVE OFFICER DCO, ELURU/WEST GODAVARI DISTRICT, ANDHRA PRADESH.-534001
3. THE SURCHARGE OFFICER/DEPUTY REGISTRAR OF COOPERATIVE SOCIETIES, NIZVID, ELURU/WEST GODAVARI DISTRICT, A.P.-534001
4. M/S KAMAVARAPUKOTA LARGE SIZED COOPERATIVE CREDIT SOCIETY, (LSCS) H-878, REP. BY ITS CHIEF EXECUTIVE OFFICER, (C.E.O.,), KAMAVARAPUKOTA VILLAGE AND MANDAL, ELURU/WEST GODAVARI DISTRICT, ANDHRA PRADESH.-534449

...RESPONDENT(S):

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 issuance of an appropriate Writ, Order, or direction more particularly one in the nature of Writ of Mandamus, by declaring the action of the Respondent No.3, in rejecting the recall petitions, filed seeking to recall of Assistant Registrar/Section 51 Inquiry officer and Ex-Chairperson of 4th Respondent for further cross-examination vide Rc.No.857/2022/C/SN-1 and 6, dated 27.06.2026 respectively and also not providing Documents and Information even after making request letter dated 22.05.2026 under Right to Information Act., 2005, as illegal, arbitrary and contrary to the principles of natural justice, violative of Fundamental Rights guaranteed under Article 14 and 21 of the Constitution of India and contrary to the provisions of Right to Information Act, 2005 and contrary to the provisions of the Andhra Pradesh Cooperative Societies Act, 1964 and Rules made therein and pass

IA NO: 1 OF 2026

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 stay all further proceedings in Rc.No.857/2022/C/SN-1&6 in respect of Petitioner herein, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. BOBBA VIJAYALAKSHMI
2. SRINIVAS BASAVA

Counsel for the Respondent(S):

1. GP FOR COOPERATION

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

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The Court made the following Order:

Heard Sri Srinivas Basava, learned counsel for the petitioner and the learned Assistant Government Pleader for Cooperation appearing for the respondents.

2. The grievance of the petitioner in the instant Writ Petition is against the impugned proceedings of the respondent No.3 rejecting the application filed by the petitioner seeking to recall and reexamine the Assistant Registrar/Section 51 the Inquiry Officer and the Ex-Chairperson of the respondent No.4 - Cooperative Society.

3. The learned counsel for the petitioner submits that the inquiry proceedings initiated against the petitioner under the provisions of Andhra Pradesh Cooperative Societies Act, 1964 (for Short 'the Act') are governed by the procedure under Code of Civil Procedure, 1908 (for short 'the CPC'). Thus the applicant should have been given all the reasonable opportunities to recall the witnesses and reexamine them. In support of his contention, the learned counsel for the petitioner relies on the decisions of rendered by the erstwhile composite High Court of Andhra Pradesh in the case of *K. Kanaka Rao Vs. Chairman, A.P. Coopertive Tribunal, Hyderabad and other*[1], *Mohd.*

[1] 2011 (6) ALD 340

Saqawath Ali Bakshi Vs. Shaik Mohd. Iqbal[2], prays for interim stay of all further proceedings in Rc.No.857/2022/C/SN-1&6 pending before the 3rd respondent as the case is fixed for hearing on 04-07-2026.

5. On the other hand, learned Assistant Government Pleader for Cooperation raised an objection as to the maintainability of the Writ Petition having regard to the provisions of Section 77 of the Act, wherein a remedy of Revision is provided before the Registrar against any order(s) passed by the officer(s) Subordinate to the Registrars not being the one passed under Section 76 of the Act. Having regard to the same, it is argued that the Writ Petition is not maintainable and thus prays for dismissal of the Writ Petition.

6. Considered the submissions.

7. Having regard to the provisions of the Section 77 of the Act, this Court is of the view that the Registrar of Cooperative Societies is the appropriate authority to call for and examine the record of any officer Subordinate to him in respect of any order/proceeding, not being a proceeding in respect of which an appeal under Section 76(1) of the Act is provided to the Tribunal and if it appears to the Registrar that the said order should be modified annulled reversed, remitted he may pass orders accordingly.

8. In the light of the said provision, this Court deems it appropriate to dispose of the Writ Petition granting liberty to the petitioner to approach the Registrar, against the order impugned in the writ petition, within a period of

[2] 2011 (6) ALD 346

two (02) weeks from the date of receipt of the order. Till the Registrar takes up the application filed by the petitioner, the impugned proceedings of the respondent No.3 are kept under abeyance.

9. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Dated: 03-07-2026

Note: Issue CC by 06-07-2026
B/o
MSI

Whether the order is:

Speaking	☑	Reasoned	
Reportable		Non-reportable	☑

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 17790/2026

Dated: 03-07-2026

Note: Issue CC by 06-07-2026
B/o
MSI