

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 16667 of 2015

ORDER:

The petitioners are President and Directors of Gandepalli Primary Agricultural Cooperative Society (for short, 'the Society'). They were elected to the Managing Committee on 31.01.2013. An inquiry was ordered under the A.P. Cooperative Societies Act (for short, 'the Act') on 17.02.2014, challenging which the 1st petitioner preferred W.P.No.6026 of 2014 and the same was disposed of on 06.03.2014 directing the 3rd respondent herein to proceed with the inquiry initiated under Section 51 of the Act. The inquiry was conducted and report was submitted on 02.12.2014. The 4th respondent issued orders on 11.02.2015, directing the Society to conduct Special General Body Meeting under Sections 30(2) and 31-A(4) of the Act to discuss and take necessary action against the erring members in pursuance of Section 21-A of the Act and to submit report within one week. Challenging the said proceedings dated 11.02.2015, the 1st petitioner filed W.P.No.3477 of 2015 and this Court by order dated 26.02.2015 directed the 4th respondent to furnish a copy of the inquiry report to the Society. Thereafter the petitioner was issued a Show Cause Notice on 27.05.2015 under Section 34(1) read with Section 115-D(15)(vi) of the Act to submit explanation within seven days as to why action against the Managing Committee shall not be taken. The petitioner filed a representation on 02.06.2015 seeking time up to 20.06.2015 and the time appears to have been granted on 13.06.2015. In the meanwhile, the present writ petition is filed challenging the show cause notice dated 27.05.2015.

2. In view of the constraints of this Court to entertain the writ petition at the stage of show cause notice, this Court is not inclined to examine the issue raised by the petitioner at this stage. However, the petitioners are given liberty to submit their explanation within one week from the date of receipt of a copy of this order to the 4th respondent and the 4th respondent shall consider the explanation and pass final orders observing the principles of natural justice. If

the 4th respondent passes an order adverse to the interest of the petitioners, the order shall not be given effect to for a period of 15 days from the date of passing of the order and communicating the same to the petitioners in order to enable the petitioners to take further steps in accordance with law.

3. The writ petition is, accordingly, disposed of. No costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

A. RAMALINGESWARA RAO, J

12th June, 2015

ksm

—