

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

FRIDAY, THE THIRTEITH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.1596 of 2015

BETWEEN

Kanumuru Satya Vijaya Venkata Surya Narayana Raju

... PETITIONER

AND

The State of A.P., rep. by its Principal Secretary, Cooperation Department,
Secretariat, Hyderabad and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner, who claims to be an elected president of Cherukumilli Primary Agricultural Cooperative Credit Society, questions the order passed by the District Cooperative Officer, West Godavari, respondent No.3, dated 05.01.2015 whereunder statutory enquiry under Section 51 of the A.P.Cooperative Societies Act, 1964 (for brevity, "the Act"), into the affairs of the said Society was directed to be conducted.

3. Learned counsel for the petitioner submits that in terms of Section 51 of the Act, neither action is taken *suo motu* nor it is on an application of the Society with the requisite number of members and hence, the very initiation of enquiry under Section 51 is contrary to the said provision. Learned

counsel also submits that the present proceedings appear to have been initiated on the basis of a note submitted to the District Collector, West Godavari and submits that under the Act, the District Collector is not a competent authority to issue any directions to the authorities under the Act. Learned counsel also submits that the audit reports of previous years of the Society do not show any irregularity whatsoever and hence, the present enquiry appears to have been initiated only on some complaint and ought not to be allowed to be proceeded.

4. I am unable to appreciate any of the said contentions in view of the fact that the note submitted by the District Collector is referred to as a reference to in the impugned order. However, the official report was submitted by the Divisional Cooperative officer, Bhimavaram, who was asked to conduct enquiry and submit a detailed report. He has thereafter submitted a detailed report on 02.01.2015 to the District Cooperative Officer, who in turn passed the impugned order after noticing several irregularities including misappropriation of funds in the said report. Hence, respondent No.3 felt that it is appropriate that an enquiry be conducted into the affairs of the Society under Section 51 of the Act.

5. I do not see any reason to interdict the statutory enquiry ordered as that will only satisfy the District Cooperative Officer and the Registrar that the affairs of the Society are not conducted in any manner prejudicial to the interest of the members and contrary to the Act and the Rules. The contention of the petitioner that there is absolutely no irregularity in the affairs of the Society would stand vindicated, if the enquiry is conducted. Hence, I am not inclined to interfere with the order impugned.

Writ Petition is, accordingly, dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 30, 2015
LMV