

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.1519 of 2015

ORDER:

Heard learned counsel appearing for the petitioner, learned Government Pleader for Co-operation appearing for respondents 1, 3 to 5 and learned Government Pleader for Revenue appearing for 2nd respondent.

This Writ Petition is filed seeking to declare the action of the respondents 2 to 6 in not considering the representation of the petitioner dated 31.10.2014 and the action of the respondents 3 to 5 in not completing the enquiry under Section 60 of the Andhra Pradesh Co-Operative Societies Act, 1964 (for short 'the Act'), as arbitrary and illegal.

7th respondent is the President of the Primary Agriculture

Co-Operative Society and 8th respondent is the Ex-Secretary. An enquiry under Section 51 of the Act was held against the affairs of the Society. According to the petitioner, in the said enquiry it was clearly found that respondents 7 and 8 resorted to misappropriation of the funds of the Society. Thereafter, proceedings under Section 60 of the Act were initiated against them.

The grievance of the petitioner is that even though the proceedings under Section 60 of the Act were initiated long back, the same have not been concluded so far.

On instructions, learned Government Pleader for Co-Operation submits that the enquiry report under Section 51 of the Act was submitted on 12.07.2012 and proceedings under Section 60 were initiated in 2013 itself, but they have not been concluded so far.

Obviously, there is inordinate delay in completing the surcharge proceedings under Section 60 of the Act. Therefore, the relief as prayed for in the present writ petition can be granted.

Accordingly, the Writ Petition is disposed of. The respondents are directed to conclude the surcharge proceedings initiated under Section 60 of the Act against respondents 7 and 8, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity to respondents 7 and 8 to make their representation. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R. KANTHA RAO

9th February, 2015
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