

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

* * * *

WRIT PETITION No.24306 of 2015

Between:

Turaka Ramanaiah.

....Petitioner

and

State of A.P., Rep. by its Principal Secretary,
Coop.Department, Secretariat, Hyderabad,
And others.

....Respondents

DATE OF JUDGMENT PRONOUNCED: 12.08.2015

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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|----|---|--------|
| 1. | Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. | Whether the copies of judgment may be
Marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether His Lordship wishes to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.24306 of 2015

ORDER:

The petitioner is an Ex-President of the fifth respondent society, which was registered under the Andhra Pradesh Mutually Aided Cooperative Societies Act, 1995. The Government of Andhra Pradesh issued G.O.Ms.No.227, dated 20.02.2009, alienating the Government land of an extent of Acs.9.50 cents in Survey Nos.546/2 to 546/16 of Chemudugunta Village, Venkatachalam Mandal in SPSR Nellore District in favour of the fifth respondent society for providing house sites to the

members of the society. 181 members of the association paid an amount of Rs.20,000/- for allotment of house plots. One Nataraja Krishnan, a member of the society, addressed a letter on 04.01.2014 to the third respondent, based on which the third respondent conducted a preliminary enquiry. Some members of the society filed W.P.No.13618 of 2014 challenging the inaction of the third respondent in conducting elections to the society and this Court, by order dated 01.07.2015, directed the third respondent to initiate election process and complete the same within a period of three months. The third respondent, accordingly, initiated election process. While so, the third respondent, by his letter dated 06.04.2015, reported to the second respondent that there is necessity of statutory enquiry into the affairs of the society. Accordingly, the second respondent issued proceedings in Rc.No.690/2014/AP Housing, dated 20.04.2015, ordering for enquiry. The fourth respondent issued summons on 11.05.2015 under Section 30(2) of the Andhra Pradesh Mutually Aided Cooperative Societies Act to submit the records relating to the society. After receiving the summons from the Enquiry Officer, the petitioner addressed a letter on 18.05.2015 requesting to grant time till 05.06.2015 in order to submit the records, but the fourth respondent again issued another letter on 21.05.2015 rejecting his request and directing the petitioner to appear before him on 30.05.2015. Thereafter, the petitioner addressed a reply through his Counsel stating that the fourth respondent has no jurisdiction to conduct an enquiry. He also sent a letter requesting for copy of the documents relied on by the third respondent. The fourth respondent, though received the same, did not supply the documents. The petitioner filed W.P.No.16624 of 2015 challenging the action of the fourth respondent in not furnishing the documents. The said Writ Petition was dismissed as infructuous on 05.08.2015 in view of subsequent proceedings. While so, the second respondent issued an order on 14.07.2015 for conducting enquiry by canceling the earlier enquiry proceedings dated 20.04.2015. Challenging the same, the present Writ Petition is filed.

A reading of the impugned order dated 14.07.2015 shows that an enquiry was ordered by proceedings dated 20.04.2015 asking the Enquiry Officer to submit the report within a period of 120 days. But, the enquiry could not be completed within the said time and hence it necessitated ordering fresh enquiry. It shows that the present proceedings were issued pursuant to the earlier proceedings dated 20.04.2015 ordering enquiry. The earlier proceedings were not challenged by the petitioner. On the other hand, the petitioner sought some documents and when they were not supplied, he filed W.P.No.16624 of 2015. The petitioner did not point out any irregularity in the present proceedings and in view of the same, the Writ Petition is liable to be dismissed.

The Writ Petition is, therefore, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

12.08.2015
vs