

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.13881 of 2004

Date: 28.01.2015

Between:

P. Sessaiah Naidu,
Bagh Amberpet, Hyderabad.

.... Petitioner

And

The Divisional Cooperative Officer,
Charminar Division,
Hyderabad and others.

... Respondents

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ORDER:

This Writ Petition was filed alleging that the distraint orders dated 29.07.2004 passed in E.P.Nos.1/92-93 and 1/94-95 by the Divisional Cooperative Officer, Charminar, the first respondent, were in violation of the statutory procedure prescribed under Rule 52 of the A.P Cooperative Societies Rules, 1964 (for short 'the Rules').

By order dated 06.08.2004, this Court directed that any amounts realized from the petitioner would be subject to further orders in the Writ Petition.

The Divisional Cooperative Officer, Charminar Division, filed a counter affidavit wherein he stated that notice was served upon the petitioner in Form No.2 and thereupon, without any resistance, the petitioner handed over the demand draft and post-dated cheques. He therefore asserted that the due and proper procedure as per Rule 52 of the Rules had been followed.

No reply affidavit was filed by the petitioner rebutting the above counter averments.

In that view of the matter, this Court finds no irregularity in complying with the procedure as alleged by the petitioner.

The Writ Petition is devoid of merit and is accordingly dismissed. Interim order dated 06.08.2004 shall stand vacated. Pending Miscellaneous Petitions, if any, shall also stand dismissed. No costs.

SANJAY KUMAR, J

Date: 28.01.2015

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