

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.23739 of 2011

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Between:

P. Ramachandra Reddy

PETITIONER

AND

The Deputy Registrar of Coop. Society
Tirupati, Chittoor District.

RESPONDENTS

ORDER:

This writ petition is filed challenging the surcharge order dated 8.06.2011 issued against the petitioner.

The case of the petitioner is that the respondent has issued surcharge notice in Rc.No.249/2007-D, dated 28.03.2009 against the petitioner and certain other former Office Bearers of the Chittoor District NGOs Cooperative House Building Society Limited, Tirupathi, on three allegations. The petitioner submitted detailed explanation dated 03.06.2009 along with necessary documents. Thereafter, the respondent dropped allegation Nos.2 and 3 against the petitioner. In respect of allegation No.1, after due enquiry the respondent having found that the property was already registered in the name of the petitioner albeit for a lesser consideration, determined a sum of Rs.2,40,250/- as the loss incurred by the Society and issued the impugned order dated 8.06.2011 directing the petitioner to pay the an amount of Rs.2,40,250/- towards the cost of land. The petitioner seems to have filed an appeal against the order dated 8.06.2011, and thereafter, withdrew the said appeal and filed the present writ petition.

When the matter is taken up for hearing learned counsel for the petitioner placed on record Memo dated 8.12.2015 showing that the petitioner had paid the entire amount of Rs.2,40,250/- as demanded by the respondent vide impugned proceedings dated 8.06.2011, and submits that in as much as the petitioner had fulfilled the impugned order, no further orders are necessary in this writ petition.

Learned Government Pleader for Cooperation submits that the petitioner has not paid any interest on the surcharge amount and seeks to direct the petitioner to pay the interest also.

Having regard to the fact that the petitioner was allowed to

retain the property in the light of compliance of the order dated 8.06.2011, and the surcharge proceedings does not indicate any interest having been ordered by the respondent, payment of interest by the petitioner does not arise. Even assuming that the writ petition is dismissed, in the absence of any interest fastened on the petitioner in the surcharge proceedings there cannot be any such liability on the petitioner.

With the above observation, the writ petition is closed. Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

8th December, 2015
Js.