

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.37987 of 2012

-
09.07.2015

Between:

Paruchuru Chandraiah

...Petitioner

And

The Special Cadre Deputy Registrar/
Officer on Special Duty, Nellore and others

...Respondents

Counsel for the petitioners: Mr.A.Chandraiah Naidu

Counsel for respondent Nos.1 and 2: Mr.E.Satyanarayana
for Mr.Srinivas Polavarapu

Counsel for respondent No.3: None appeared

Counsel for respondent No.4: Assistant Government
Pleader
for Cooperation (AP)

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The Court made the following:

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ORDER:

This writ petition is filed for the following substantive relief:

“....to issue an order or direction more particularly one in the nature of Writ of Mandamus (a) declaring the impugned Certificate No.183/11-12 dated 13.06.2011 passed by the 1st respondent and consequential E.P. Proceedings in E.P.No.171 of 12-13 is null and void, illegal, arbitrary, malafide, violative of Art 19(1)(g) and 300-A of the Constitution of India, apart from violative of Principles of Natural Justice by setting aside the same; and consequently direct the respondents not to proceed with E.P.No.171/12-13 on the file of the 1st respondent and pass such other order or orders....”

After arguing the case, Mr.A.Chandraiah Naidu, learned counsel for the petitioner, requested for permission of the Court to withdraw the writ petition with liberty to his client to avail the statutory remedy of appeal in order to question the certificate issued under Section 71 of the Andhra Pradesh Cooperative Societies Act, 1964.

The Writ Petition is accordingly dismissed as withdrawn with liberty to the petitioner in terms of the prayer made. The respondents are, however, left free to raise all legally permissible objections including the objection relating to the limitation, in the event of the petitioner filing an appeal.

As a sequel to dismissal of this writ petition, interim order, dated 07.12.2012 is vacated and W.P.M.P.No.48177 of 2012 and W.V.M.P.No.1519 of 2013 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

09th July, 2015
GHN