

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.33897 of 2015

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Cooperation for respondents.

2. Petitioners 2 and 5 to 10 were elected in the year 2005 and petitioners 1, 3 and 4 were elected in the year 2013 as the Presidents of various cooperative societies situated in Vizianagaram District. They were elected as the members of the Managing Committee of the second respondent Bank in the year 2005, which continued upto 2013 by virtue of various Government Orders. The first respondent passed an order dated 15.02.2014, invoking the power under Section 53 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short, the Act), ordered an inspection into the affairs of the second respondent Bank with special reference to complaint made by one Haroon Rashid by authorizing the Assistant General Manager, APCOB to conduct statutory inspection and submit report within 30 days. The said Inspection Officer submitted his report on 26.04.2014. After receipt of the report, the first respondent passed an order dated 03.03.2015 directing the Managing Committee of the second respondent Bank to arrange for placing the inspection report together with the findings of the first respondent before the General Body or Special General Body within a period of one month. Challenging the same, the present Writ Petition is filed.

3. The learned counsel for the petitioner submitted that the inquiry report was submitted without issuing any notice to the petitioners and the very initiation of the inspection by the first respondent was without jurisdiction.

4. Since a decision has to be taken by the General Body or Special General Body of the second respondent Bank on the basis of the report dated 26.04.2014 submitted by the Inspection Officer, this Court is not inclined to go into the merits of the case at this stage. However, it is open to the petitioners to raise their objections for consideration of the General Body and the General Body shall take a decision on the inspection report submitted by the Inspection

Officer and send its resolution to the first respondent.

5. The Writ Petition is, accordingly, disposed of. No order as to costs.
Miscellaneous petitions, if any pending, shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 13.10.2015

TJMR