

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.21834 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Cooperative Societies for respondents 1 to 3.

2. The petitioner is President of the fourth respondent Society. The third respondent ordered for an inquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short, the Act) into the affairs of the fourth respondent Society by order dated 03.02.2015 and the Inquiry Officer submitted his report on 06.06.2015 and 07.06.2015. Now a notice is issued by the second respondent on 08.07.2015 asking the members of the Managing Committee of the fourth respondent Society to appear before him on 21.07.2015 to explain why action should not be taken under Section 32 (1-A) of the Act. Challenging the same, the present Writ Petition is filed.

3. The allegation against the petitioner is that the Managing Committee had not convened two general body meetings in the months of March, 2014 and September, 2014 as required under Section 32(1) of the Act and hence, the provisions of Section 32(1-A) are attracted.

4. Since the present notice is only a show cause notice asking the petitioner and other Managing Committee members to appear before the second respondent on 21.07.2015, this Court is not inclined to interfere with the inquiry to be conducted by the second respondent with regard to the attraction of Section 32(1-A) of the Act. However, the learned counsel for the petitioner apprehends that the second respondent may take adverse decision, in spite of evidence, contrary to the Act.

5. In the circumstances, it is open to the petitioner to submit written explanation to the second respondent and the second respondent shall

consider the same before taking a decision on the irregularities alleged against the petitioner.

6. The Writ Petition is, accordingly, disposed of. No orders as to costs. Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 15.07.2015

Note: Issue CC in two days.

B/o. TJMR