

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.31775 of 2014

ORDER:

This writ petition was filed challenging the proceedings of the second respondent in R.C. No.2030/2014-C2 dated 15.10.2014 ordering an enquiry into the constitution, working and management of the Nallalingayapalle Primary Agricultural Cooperative Society Limited, Kamalapuram Mandal, YSR Kadapa District. A reading of the impugned order shows that it was initiated *suo motu* by the second respondent.

Learned counsel for the petitioners submitted that when an enquiry was initiated on the earlier occasion on the direction of the Hon'ble Minister for Cooperation in violation of Section 51 of the A.P. Cooperative Societies Act, 1964 (for short, 'the Act'), some members of the society have filed W.P. No.21095/2014 and the said writ petition was allowed on 02.12.2014 on the ground that the said proposed enquiry was in violation of Section 51 of the Act. In spite of allowing the said writ petition, learned counsel for the petitioners submits that, the present enquiry is initiated under Section 51 of the Act. The impleaded respondents, who are members of the Society, support the contentions raised by the learned counsel for the petitioners. Section 51 of the Act provides for Inquiry in the contingencies mentioned in the said section. The Registrar is enabled to order an enquiry on his own apart from other contingencies mentioned therein. In the instant case, a reading of the impugned order shows that he came to the satisfaction on the basis of a representation submitted by the Divisional Cooperative Officer on 11.10.2014 to find out the real quantum of irregularities that arose in the Society, and accordingly, the second respondent passed an order on 15.10.2014.

This Court by order dated 24.10.2014 directed the respondents not to proceed further in pursuance of the proceedings dated 15.10.2014, and W.V.M.P.Nos.3948 of 2014 and 2593 of 2015 were filed by the Government and the respondents 5 to 23 respectively seeking vacation of the said order.

In view of the clear provision of Section 51 of the Act, it is open to the Registrar to order an enquiry under Section 51 of the Act if he comes to the satisfaction that an enquiry is needed in respect of the irregularities in the Society. At that stage, that satisfaction need not be expressed in clear terms nor the grounds need be mentioned in the notice. Sufficient safeguard is provided to the affected Society in the said section itself, as after submission of the report by the Enquiry Officer, the enquiry report has to be placed before the General Body of the Society or Special General Body convened for the purpose for its information. Hence, it is premature to assume anything with regard to the outcome of enquiry at this stage. In the circumstances, in the absence of any challenge with regard to the jurisdiction of the second respondent to initiate enquiry or violation of the provisions of Section 51 of the Act, this Writ Petition is not maintainable and the same is liable to be dismissed.

Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

09.09.2015

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Date: 09.09.2015

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