

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRITPETITION No. 12244 2012

DATED 30TH December, 2015

BETWEEN

Ch(G). Somalakshmi

...Petitioner

And

The Citizen Coop.Society Limited,
Rep. by its managing Director, Hyderabad and anr.

...Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12244 OF 2012

ORDER:

This Writ Petition is filed seeking a declaration that the action of the first respondent in issuing notices dated 9.4.2012 in respect of the gold loan accounts No.919433, 919447, 919485, 919517, 919521, 919522, 919523 and 919538 directing the petitioner to pay the loan amounts due as illegal, arbitrary and in violation of the provisions of the Multi State Cooperative Societies Act 2002 (for short' the Act').

It is the contention of the petitioner that various amounts paid by him are not reflected in the statement of account and therefore the impugned notices are bad and in violation of the provisions of the Act.

The learned Counsel for the respondents on the other hand raised preliminary objection with regard to maintainability of the Writ petition more particularly in view of Section 84 of the Act. Further he placed reliance on the order of this Court dated 15.7.2012 passed in Writ Petition No.5276 of 2013 wherein this Court kept open for the petitioner therein to avail appropriate remedies under the Statute.

Having regard to the rival submissions of the learned Counsel, this Court is of the opinion that the petitioner is not entitled for grant of relief sought for since the petitioner has effective alternative remedy under Section 84 of the Act. In that view of the matter, the Writ Petition is disposed of giving liberty to the petitioner to avail appropriate remedy under the Statute. Considering the fact that the petitioner filed the Writ Petition on 24.12.2012, the same was admitted on 24.4.2012 and till date the matter was not adjudicated for one reason or the other and is pending till date, the petitioner may avail benefit of Section 14 of the Limitation Act.

Subject to the above the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 30TH DECEMBER, 2015
Msnr_x

