

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

Writ Petition No.17677 of 2011

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Dated 11th June, 2015

Between:

Pusapati Venkatapathi Raju

...Petitioner

and

The District Collector, Vizianagaram and others

...Respondents

Counsel for the petitioner: Sri P.V.Vidyasagar

Counsel for respondent Nos.1 & 2: AGP for Co-operation

Counsel for respondent No.4: Sri K.Gopal

for Sri P.Durga Prasad

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the inaction of respondent Nos.1 and 2 in enquiring into the conduct of respondent No.4 as Person-in-charge and also as Liquidator of Vizianagaram Co-operative Society Limited (hereinafter referred to 'the Society') as illegal and arbitrary.

The petitioner, a pensioner, has made fixed deposits in the Society for a sum of Rs.2,03,000/- in the years 2000 and 2002. All the deposits have matured by

December, 2005. To the ill luck of the petitioner, the Society has gone into liquidation and respondent No.4 was appointed as Person-in-charge prior to liquidation and was appointed as Liquidator after it went into liquidation. The petitioner pleaded that though he has approached respondent No.4 on many occasions, he was paid in all Rs.85,031/- commencing from 14.02.2007 to 28.04.2009, while respondent No.4 has paid to several other persons whose deposits have matured much later. The petitioner has further averred that he has made representations on 28.11.2009 and 28.12.2009 in the grievance cell of the office of respondent No.1 with a request to redress his grievance and also to take action against respondent No.4. As no such action was taken to the knowledge of the petitioner, he has filed the present writ petition.

Though the writ petition has been pending since June, 2011, no counter affidavit is filed by respondent No.4.

Respondent No.2 filed a counter affidavit, wherein he has *inter alia* stated that respondent No.4 was only the Chairman of the Person-in-charge Committee and that therefore, no personal allegations of discrimination can be made against him as all decisions are taken collectively by the Members of the Committee.

Though specific details have not been given by the petitioner to substantiate his plea that respondent No.4 has shown discrimination by paying deposit amounts to the persons whose deposits have matured later than his deposits, in the absence of counter affidavit of respondent No.4 denying the allegations made by the petitioner, I feel it appropriate that respondent No.1 holds an enquiry into the grievance of the petitioner. In such enquiry, respondent No.1 shall issue a notice to the petitioner and permit him to peruse the relevant records pertaining to the Society to substantiate his plea. He shall also issue notice to respondent No.4 and give him an opportunity of representing his case. After completion of the enquiry, respondent No.1 shall take appropriate decision and communicate the same to the petitioner as well as respondent No.4. He shall complete this exercise within a period of three months from the date of receipt of a copy of this order.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, W.P.M.P.No.21264 of 2011 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

11th June, 2015

VGB