

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.17319 of 2015

ORDER:

Heard the learned Counsel for the petitioners and the learned Government Pleader for Cooperation for respondent Nos.1 to 6.

The petitioner was elected as a President of Chirrikurapadu, Primary Agricultural Cooperative Society, Zarugumalli Mandal, Prakasam District (for short 'Society') in the month of January, 2013. It appears that, respondent Nos.7 to 9, along with three others, filed O.P.No.31 of 20013 on the file of A.P.Cooperative Tribunal, Vijayawada, under Section 61(3) of the A.P. Cooperative Societies Act, 1964 (for short 'the Act'), alleging certain irregularities with regard to inclusion and deletion of members, and also conducting elections by the President and Vice-President. While so, it appears that respondent Nos.6 and 7, along with 503 members, made a representation, based on which, the third respondent passed the impugned proceedings dated 03.06.2015 directing the Sub-Divisional Cooperative Officer, Kanigiri, to conduct a detailed enquiry into the allegations leveled, and submit a report within one week. The present Writ Petition is filed on the ground that the procedure contemplated, under Section 51 of the Act, was not followed while issuing the impugned order. It is also stated that, when an enquiry was ordered against the Society, under Section 51 of the Act, the petitioner herein filed W.P.No.30203 of 2014 and, this Court, by order dated 22.12.2014, set aside the proceedings dated 29.09.2014.

This Court had gone through the order dated 03.06.2015 requesting the Sub-Divisional Cooperative Officer, Kanigiri, to conduct a detailed enquiry into the allegations levelled, and submit

a report within one week. The Sub-Divisional Cooperative Officer, Kanigiri sought for certain records from the sixth respondent through proceedings dated 06.06.2015. At this stage, it cannot be held that the enquiry sought to be conducted is an enquiry under Section 51 of the Act. The present enquiry is confined to the *prima facie* satisfaction with regard to the allegations levelled against the Society by some of its members. In that view of the matter, it cannot be held that the impugned order is without jurisdiction or cause prejudice to the petitioner in the absence of any notice to him.

The Writ Petition is premature and is, accordingly, dismissed. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No order as to costs

A. RAMALINGESWARA RAO,J

Date: 29.06.2015
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