

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.8142; 8159; 7962 & 7995 of 2016

COMMON ORDER:

In all these Writ Petitions the final notice dated 16.02.2016 issued by the 3rd respondent-Deputy Registrar of Co-operative Societies, Markapuram, is challenged before this Court.

The purport of the notice to the effect that the petitioner-bank was directed to appear before the Deputy Registrar in connection with the proceedings under Section 60 (7) of the A.P. Cooperative Societies Act, 1964 (in short "the Act") against the 4th respondent-The Cumbum Primary Agricultural Cooperative Society Limited, Cumbum Village.

It is the contention of the learned counsel for the petitioner that it is only the District Collector, in terms of G.O.Ms.No.34 of Food and Agriculture (Coop.IV), dated 18.01.1989, who is authorized to conduct enquiry in relation to the District Cooperative Central Banks and in that view of the matter, the notice issued by the Deputy Registrar is outside the jurisdiction.

On the other hand the learned Government Pleader submits that the final notice which has been issued is in connection with the enquiry that is being conducted in relation to the affairs of the 4th respondent-Society and the Deputy Registrar is the one who is authorized under the G.O.Ms.No.34, as the Deputy Registrar would be functioning as a Registrar in relation to the enquiry which includes the enquiry under Section 60 of the Act. The learned Government Pleader also further submits that on earlier occasions the respondent bank had in fact on some pretext or other sought adjournment and did not cooperate with the enquiry proceedings in relation to the 4th respondent-society.

Having perused the documents and having heard both the learned counsel, *prima facie*, this Court is of the opinion that the Writ

Petition has been filed more on apprehension rather than based on the facts. Reading of the notice as well as the nature of the proceedings, which are pending consideration, are the surcharge enquiry proceedings issued that is being conducted against the 4th respondent but not in relation to the petitioner-bank. The same is clear from the very narration of the notice, wherein it has been stated that in the course of enquiry the managing committee members had deposed that the irregularities, if any, and responsibility, if any, with respect to the same are solely on account of the petitioner bank. In relation to those statements, the views/the stand of the petitioner is sought to be elicited by the Enquiry Officer. The same cannot be construed as an enquiry initiated or being conducted against the petitioner. In that view of the matter, the writ petition itself being filed on apprehension the same is closed as no orders as such are required. In the light of the respective stands of the parties, it is always open for the petitioner to put forward all the defences available, in case they are implicated, in accordance with law.

Accordingly, the Writ Petitions are closed. Miscellaneous petitions pending consideration, if any, shall stand closed in consequence. There shall be no order as to costs.

CHALLA KODANDA RAM, J.

14th March, 2016
Ssv