

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 22375 of 2008

ORDER:

The wife of the person against whom a surcharge order was passed by the second respondent filed this writ petition challenging the action of respondent Nos.1 to 4 in notifying and auctioning the agricultural lands belonging to her situated in D.Nos.1/5B, 4/2B, 4/A, 4/5A, 4/8B and 4/9 of Srirangapuram Village, Chebrolu Mandal, Guntur District, towards recovery of the amount from her husband in proceedings dated 01.06.2007.

It appears that the petitioner filed a claim petition, but the same was returned on the ground that she was not remitting user charges as laid down under Rule 48 of the Andhra Pradesh Cooperative Societies Rules, 1964.

The learned Government Pleader for Cooperation has produced the written instructions dated 19.10.2016 furnished by the Divisional Cooperative Officer, Tenali. As per the said instructions, surcharge order was passed against the husband of the petitioner for recovery of an amount of Rs.1,12,798/- and the property was brought to sale. The bid was knocked out in favour of one Md.Haneef for Rs.4,40,000/-. However, in view of the interim stay obtained by the petitioner in the present case, the bid was not confirmed in favour of the auction purchaser. The auction purchaser also filed W.P.No.26077 of 2011 praying for refund of the deposited amount and this Court directed the Sale Officer to refund the deposited amount to the auction purchaser. Accordingly, the amount was refunded on 17.01.2012. In the

meanwhile, the husband of the petitioner filed an appeal in O.A.No.69 of 2008 before the Andhra Pradesh Cooperative Tribunal, Vijayawada, praying to set aside the surcharge order and the matter was remanded to the Deputy Registrar of Cooperative Societies, Tenali, for fresh enquiry. Accordingly, the Deputy Registrar of Cooperative Societies conducted fresh enquiry and passed the surcharge order for Rs.1,12,798/-. The husband of the petitioner paid an amount of Rs.65,101/- towards principal and Rs.1,54,899/- towards interest and thus, an amount of Rs.2,20,000/- was paid by the husband of the petitioner. However, with regard to recovery of remaining amount, the Chief Executive Officer of the society was directed to obtain property particulars of the judgment debtor.

Since the property claimed by the petitioner is now not brought to sale, no further orders are necessary in the present writ petition.

The Writ Petition is accordingly closed giving liberty to the petitioner to file appropriate application, if she is aggrieved, at an appropriate stage.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

(A.RAMALINGESWARA RAO, J)

Date: 19.10.2016
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