

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

THURSDAY THE THIRTYFIRST DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 28629 of 2007

-

Between:

The Primary Agriculture Credit Society,
Kamepally, Khammam district
Rep. by its President

... Petitioner

V/s.

K. Satyaprakash Rao & Ors.

... Respondents

Counsel for the Petitioner : Sri P. Srinivas

Counsel for the Respondents: GP for Co-operation
Sri M. Rama Rao

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

-
WRIT PETITION NO. 28629 OF 2007

ORDER:

-

Heard Sri P. Srinivas for petitioner and the Government
Pleader for Co-operation.

2. PACs Kamepally represented by its President is the petitioner and the society challenges the judgment dated 06/1/2006 in CTA.No. 102 of 2003 of A.P. Co-operative Tribunal, Warangal. The petitioner was not one of the respondents in CTA.No. 102 of 2003. The instant writ petition is filed by seeking the leave of this Court.

3. The circumstances relevant for the disposal of the writ petition are as follows:-

The second respondent passed surcharge order in Proceedings Rc.No. 2770/2002-C, dated 29/10/2003 ordering recovery of Rs.4,000/- alongwith interest at Rs.4500/- at 2% from first respondent in the writ petition. The Tribunal through the impugned judgment found that the mode and manner of initiation of Proceedings under Section 60 of A.P. Co-operative Societies Act,

1964 do not confirm to the requirement of law and that principles of natural justice are violated and accordingly set aside the surcharge order dated 29/10/2003. Hence, this writ petition at the instance of society.

4. I have perused the material available on record particularly the findings recorded by the Co-operative Tribunal, Warangal. This Court is of the view that on technical grounds surcharge order dated 29/10/2003 is set aside and the report submitted under Section 51 of the Act is not set aside. The petitioner instead of challenging the findings in CTA.No. 102 of 2003 can if so advised pursue further action on the Enquiry Officer's report in Rc.No. 890/2002-B dated 24/5/2003 in accordance with law.

5. The writ petition is disposed by granting the liberty as indicated above. No order as to costs.

6. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT

31/03/2016

ISL

HONOURABLE SRI JUSTICE S.V. BHATT

—

—

—

—

—

—

—

1

1

1

-
-
-
-
WRIT PETITION NO. 28629 OF 2007
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-
-

Date: 31/03/2016
Circulation No.
Court Master: I s L