

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

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

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WRIT APPEAL No. 1144 OF 2015

Date: 20.01.2016

Between:

Army Welfare Cooperative Housing Society Ltd.,
Rep., by its General Secretary,
Secunderabad.

... Appellant

And

Colonel Satyanarayana Prasad Putchala (Retd.)
& others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 1144 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order, dated 24.11.2015, passed in W.P.No.30832 of 2015, whereby writ petition filed by respondent No.1 has been allowed.

In the writ petition, respondent No.1 prayed for writ of mandamus declaring the action of official respondents in not implementing Memo, dated 31.08.2015, issued by the Secretary to the Government, Cooperation Department, State of Telangana, as illegal and arbitrary and further sought direction to respondent – Deputy Registrar-cum-Inquiry Officer, Hyderabad East Division, Ranga Reddy District, not to proceed with the enquiry in pursuance of the proceedings, dated 08.04.2015, issued by District Cooperative Officer.

By Memo, dated 31.08.2015, direction was issued by the Secretary to the Government to examine the issue thoroughly and issue necessary orders for conducting statutory enquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short, "the Act") in the affairs of the appellant society by a team of senior officers headed by District Cooperative Officer, Ranga Reddy, and assisted by an officer of the cadre of Deputy Registrar from Hyderabad District. Learned Single Judge allowed the writ petition and directed the official

respondents to implement Memo, dated 31.08.2015.

Learned Additional Advocate General for the State of Telangana submitted that the Memo, dated 31.08.2015, was issued by the Secretary to the Government, unmindful of the enquiry that was already initiated under Section 51 of the Act and, therefore, the State Government has issued another Memo, dated 30.11.2015, withdrawing the direction to constitute a team of senior officers and to hold enquiry in terms of Memo, dated 31.08.2015.

Learned Additional Advocate General placed the subsequent Memo, dated 30.11.2015, on record. In view thereof, the appeal deserves to be disposed of by the following order, which learned counsel for the parties have agreed upon:

“It is open to the 1st respondent to take appropriate remedy against the enquiry report, dated 12.01.2015 and so also the enquiry report, dated 07.10.2015, submitted by the 5th respondent, who was appointed as Enquiry Officer by the 4th respondent vide order, dated 08.04.2015. All contentions of the parties are kept open. In view thereof, the order of learned Single Judge renders ineffective.”

Writ petition is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 20.01.2016
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