

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.43539 OF 2016

ORDER:

Heard Smt.Bobba Vijaya Lakshmi for petitioners and perused the notice impugned in this writ petition.

This Court is of the view that the challenge to notice bearing Rc.No.475/2016-D dated 23.11.2016 though attempted on a few factual and legal objections, still the timing of the writ petition against notice is not tenable and premature for consideration. The apprehension of the petitioners is that the 3rd respondent, as is evident from the notice, is firstly proceeding in the matter on anonymous information received by him and secondly the 3rd respondent has not consulted the financing bank before issuing the show cause notice as required by Section 34 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act'). This Court is of the view that the jurisdiction of 3rd respondent to issue a show cause notice under Section 34 of the Act is not one of the objections. The objections at best are matters of verification, examination of record by 3rd respondent, take up course corrections as are necessary and appropriate decision is taken in the fact situation of the case.

While declining to entertain the writ prayer on the ground that the prayer is against show cause notice, the 3rd respondent is directed to ensure strict compliance of all the requirements of Section 34 of the Act either for continuation of the proceedings initiated through notice dated 23.11.2016 or while taking a decision

in this behalf. Pending consideration, the 3rd respondent shall not disturb the discharge of functioning by petitioners.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

20th December 2016

Lrkm

