

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.21527 of 2016

ORDER:

This Writ Petition is filed challenging the proceedings dated 10.02.2016 issued by the 4th respondent-Deputy Registrar of Cooperative Societies/Divisional Cooperative Officer, Parvathipuram, in superseding the Managing Committee of the 5th respondent-The Chemudu Primary Agricultural Cooperative Society Ltd., Chemudu.

The main contention of the learned counsel for the petitioner is that the surcharge enquiry under Section 60(1) of the Andhra Pradesh Cooperative Societies Act (in short "the Act") is under process and the alleged irregularities done in the Society by way of raising benami loans have to be proved in the said surcharge proceeding and then only the impugned proceedings under Section 34(1) read with section 115(D)(B)(i)(ii) and (vi) of the Act have to be issued, but contrary to the same the 4th respondent has issued the impugned proceedings in superseding the Managing Committee, which is totally contrary to law.

Learned Government Pleader for Cooperation (Andhra Pradesh) submits that an appeal lies against the order passed by the 4th respondent under Section 34 of the Act.

Having considered the rival submissions, it may be noted that the order passed by the 4th respondent is appealable order under Section 34 of the Act. Since there being adequate alternative remedy is available to the petitioner, liberty is given to the petitioner to approach the Appellate Tribunal and raise all the issues, which require an inquiry into the facts and obtain appropriate orders.

Accordingly, the Writ Petition is disposed of. There shall no order as to costs. Consequently, miscellaneous petitions pending, if

any, shall also stand disposed of.

Date:05.07.2016
Ssv

CHALLA KODANDA RAM, J.