

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

**FRIDAY, THE ELEVENTH DAY OF MARCH TWO
THOUSAND AND SIXTEEN**

Present

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.1242 of 2009

Between:

K. Jayasuryam, S/o.Venkateswarulu,
Aged about 57 years, R/o.8-37,
Githa Mandiram Street,
Rytupeta, Nandigama Town,
Krishna District & another

.. Petitioners

AND

The Commissioner for Cooperation &
Registrar of Cooperative Societies,
Andhra Pradesh, Gruhakalpa,
Nampally, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.1242 of 2009

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ORDER:
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The petitioners challenge the proceedings in Rc.No.27821/08/PC-II, dated 11.11.2008. The first respondent, through the impugned proceedings, sanctioned and authorized the Divisional Co-operative Officer, Vijayawada, to file criminal complaint against the petitioners herein and another person D. Rajendra Prasad.

2. Learned counsel appearing for the petitioners submits that during the pendency of the writ petition, N. Venkatadri/second petitioner died and with his demise, the prosecution contemplated through the impugned proceedings does not survive. According to the counsel, nothing is elicited even to take up criminal prosecution against the first petitioner/K. Jaya Suryam for the alleged acts of misfeasance and malfeasance. Since there are administrative instructions issued by the Registrar not to proceed with prosecution in such cases, counsel for the petitioners requests the Court to permit the first petitioner to make representation to the first respondent to withdraw and/or cancel the sanction already granted through the impugned proceedings. Counsel for the petitioners submits that the first petitioner retired from service about six years back and has a few age-related problems.

3. On 02.02.2009, in W.P.M.P.No.1568 of 2009, this Court

has granted *interim* suspension of the proceedings in Rc.No.27821/08/PC-II, dated 11.11.2008. The same is subsisting as on date.

4. Having regard to the circumstances referred to above, the Writ Petition is disposed of with the following order:

The *interim* suspension granted on 02.02.2009 shall be in force for a period of three (3) months from today. The first petitioner is given four (4) weeks time from today to file representation before the first respondent for the reliefs the first petitioner intends to get from the first respondent and on receipt of such representation, the first respondent, after examining the record, shall take appropriate decision and communicate the same to the first petitioner within a period of two (2) months thereof. The entire exercise shall be completed in three (3) months from today.

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

S.V. BHATT, J

Date: 11th March, 2016

Note: Issue C.C. in one (1) week.

(B/o.)

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HON'BLE SRI JUSTICE S.V. BHATT

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Date: 11th March, 2016

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