

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No.2794 OF 2008

ORDER:

The petitioner, as President of Primary Agricultural Cooperative Society, Jaladanki Village and Mandal, Nellore District, filed the instant Writ Petition praying for writ of Certiorari to call for the records leading upto and inclusive of proceedings in Rc.No.764/2007/C dated 03.09.2007 of the 1st respondent and quash the same as illegal, without basis and unconstitutional.

On 18.04.2008, this Court granted stay of all further proceedings pursuant to proceedings dated 03.09.2007. The interim order is subsisting as on date. The respondents filed W.V.M.P.No.1747 of 2008.

Learned counsel for petitioner contends that the totality of circumstances more particularly the reasons for non-availability of records are due to the then Chief Executive Officer of the Society taking away of records from the proper custody of the Society and the Society has also filed criminal case against him and the same is pending investigation.

Smt. Bobba Vijaya Lakshmi, learned counsel for the petitioner, submits that if the petitioner or Society is heard by the District Cooperative Officer, Nellore, having regard to peculiar facts and circumstances of the case, there may not be necessity for conducting enquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964.

Learned Assistant Government Pleader for Cooperation submits that if a representation is filed within the time stipulated by this Court, the District Cooperative Officer, Nellore, will examine the same and pass appropriate orders in accordance with law.

Having regard to the limited submissions of the learned counsel

for the parties, I am satisfied that the Writ Petition can be disposed of by the following order:

- a) The petitioner or Society, as the case may be, is given four (4) weeks time from the date of receipt of a copy of this order to file representation before the 1st respondent with appropriate prayers including prayer to withdraw the enquiry initiated.

- b) The 1st respondent is directed to consider and dispose of the said representation within eight (8) weeks from the date of receipt of the representation.

- c) The interim order granted on 18.04.2008 is directed to be maintained till the representation is considered and disposed of as indicated above.

The Writ Petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

S. V. BHATT, J

Date:21.03.2016

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