

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos. 5875 & 5847 of 2009

COMMON ORDER

Both the writ petitions are filed challenging orders dated 8.3.2007 in O.A.No.5 of 2005 & 33 of 2006 passed by the Co-operative Tribunal, Visakhapatnam.

In the said orders, the Co-operative Tribunal, set aside the surcharge orders passed by the Deputy Registrar of Co-operative Societies, Amalapuram, dated 16.8.2004.

The petitioners did not seek permission to conduct *denovo* proceedings and take further steps. Though the writ petitions are pending, no action was taken for the last seven years and in the meanwhile, the 3rd respondent in both the writ petitions retired from service. No order was passed against the 3rd respondent as on today. The Tribunal categorically held that the Deputy Registrar of Co-operative Societies has not conducted an independent enquiry as contemplated under Section 60 of the Andhra Pradesh Co-operative Societies Act, 1964, and issued surcharge orders based on Section 51 enquiry report. No material is produced before this Court contradicting the said finding.

In view of the same, this Court has no option except to hold that the orders passed by the Tribunal on 8.3.2007 need no interference.

Accordingly, both the writ petitions are dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

27th October, 2016
rkk

