

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.12782 of 2008

ORDER:

Heard Mr. Nandigama Krishna Rao, learned counsel for petitioner and learned Government Pleader for respondents.

2. The petitioner challenges surcharge proceedings Rc.No.262/2002-C dated 02.02.2006 and also the order dated 13.06.2007 in CTA.No.15 of 2006 by the A.P. Cooperative Tribunal, Warangal, as illegal, without material and unconstitutional.

3. On 20.06.2008, this Court granted interim suspension subject to the petitioner depositing Rs.1,00,000/- with the first respondent within a period of three weeks from 20.06.2008. Learned counsel for petitioner submits that the petitioner has complied with the condition imposed by this Court vide order dated 20.06.2008.

4. The first respondent filed petition to vacate the interim order dated 20.06.2008. The first respondent, while giving reply to all the averments in the writ petition, has further brought on record that the writ petitioner filed RP.No.1 of 2007 before the Cooperative Tribunal, Warangal to review the judgment dated 13.06.2007 in CTA.No.15 of 2006.

5. The petitioner cannot and could not have been pursuing the remedy of review and also the writ jurisdiction of this Court under Article 226 of the Constitution of India. Learned counsel for the petitioner fairly states that the petitioner is entitled to pursue one of the remedies. As review petition is already filed and numbered, he requests the Court to pass appropriate orders and dispose of the writ petition. The writ petition is disposed of by this order.

- a) The interim order dated 20.06.2008 is directed to be continued for a period of three (3) months from today.
- b) The petitioner is given liberty to pursue RP.No.1 of 2007 and/or any order passed in the said review petition by initiating appropriate proceedings either in this Court or before appropriate forum.
- c) If the review petition is not disposed of as on date, the petitioner is given liberty to draw the attention of the learned Presiding Officer of the Cooperative Tribunal, Warangal, to the order of this Court in the instant writ petition and request him to dispose of the review petition. On such request being made, the learned Presiding Officer shall dispose of the review petition within eight (8) weeks from the date of such a request being made.

With the above directions, the writ petition is disposed of.

As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

March 31, 2016
DSK