

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.22328 of 2016

ORDER :

The attachment order dated 09.06.2016 passed by the Deputy Registrar of Co-operative Societies/the 3rd respondent, is challenged on the sole ground that under Section 73 of the Co-operative Societies Act, no such order could be made when the matter is pending adjudication. Elaborating on the same, learned counsel for petitioner Sri R.N.Hemendranath Reddy submits that in the case on hand, the surcharge order under Section 60 of the Co-operative Societies Act was made on 18.03.2016 for a sum of Rs.11,11,089/- along with interest and an attachment was also made by issuance of Form No.6 and in that view of the matter, the present attachment order, which is made under Section 73, in law, is unsustainable.

2. Learned Government Pleader submits that as on date, no attachment order has been made, however, the legal preposition, which was made by the learned counsel for petitioner, is not disputed.

3. Considering the respective submissions, technically, the argument of the learned counsel for petitioner deserves to be accepted. In that view of the matter, the order dated 09.06.2016 is set aside. The setting aside of the order dated 09.06.2016 shall not be construed as passing further orders by the Deputy Registrar in terms of Rule 52, as already notice for attachment/sale of the properties mentioned in the schedule to Form No.6 has already been issued.

4. Subject to the above, the writ petition is closed. No costs. As a sequel, pending miscellaneous applications, if any, shall stand closed.

12th July 2016
KODANDA RAM, J
ajr

CHALLA