

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.36408 of 2016

ORDER:

The petitioner challenges show cause notice Rc.No.Dr-I/CHBS/2016-E dated 06.10.2016 in the instant writ petition on several factual and legal grounds.

2. Learned counsel for petitioner not only reiterated the contentions raised in the writ affidavit but also contended that the fair and objective opportunity envisaged under the scheme of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') is not provided by the fourth respondent. In support of this submission, a few circumstances available from the material on record are also stated.

3. I have taken note of the submissions and also perused the material available on record.

4. Learned Government Pleader, on the contrary, submits that the fourth respondent is under statutory obligation to consider explanation, record/remarks and conduct independent enquiry; what is complained in the writ petition is a mere apprehension. To avoid further deliberation, at this stage, he, however, submits that the fourth respondent can be directed to consider the explanation, conduct enquiry and if circumstances warrant, proceed further in the matter.

5. Show cause notice issued under Section 60 of the Act is challenged in the instant writ petition. Therefore, without entertaining

the challenge, the petitioner is given four (4) weeks time from today to submit explanation to the show cause notice impugned in the writ petition. The fourth respondent is directed to consider the explanation and also the remarks dated 05.09.2016, thereafter, as the circumstances warrant conduct enquiry, take a decision and communicate the same to the petitioner. Till a decision is taken and communicated, the fourth respondent is directed not to interfere with the day-to-day administration of Kadapa Cooperative House Building Society.

The writ petition is disposed of. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

October 27, 2016
DSK



S. V. BHATT, J