

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.7989 OF 2012

ORDER:

Heard Smt.Bobba Vijaya Lakshmi, learned counsel for petitioner and learned Government Pleader for Co-operation.

The petitioner challenges proceedings, dated 19-02-2012 of 2nd respondent as illegal, arbitrary and without material.

Through proceedings dated 19-02-2012, 2nd respondent directed the Divisional Co-operative Officer, Rajahmundry, to pursue civil, criminal, disciplinary and institutional actions promptly and submit compliance reports to 2nd respondent.

This Court vide order dated 22-03-2012 granted stay of prosecution.

The respondents filed W.V.M.P.No.1958 of 2012 praying for vacating the order, dated 22-03-2012.

The case of petitioner is that impugned proceedings, dated 19-12-2012 cannot and could not have been issued on several factual and legal objections raised in the affidavit and no case is made out for ordering prosecution.

The Assistant Government Pleader submits that the respondents issued surcharge notice No.1935/2010-E1, dated 30-03-2016 and the respondents will complete the surcharge enquiry as expeditiously as possible preferably within four months from the date of receipt of a copy of this order.

I am of the view that the stay of prosecution is in force from 22-03-2012 till date and according to petitioner, if an opportunity is given or the petitioner's objections in the instance surcharge notice are properly considered, prosecution does not arise at all.

I have perused the material available on record and taken note of the limited submissions of learned counsel appearing for parties.

As surcharge notice is issued to petitioner, I am satisfied that the writ petition can be disposed of by this order.

- a) The respondents are directed to positively conclude the enquiry, pursuant to notice No.1935/2010-E1, dated 30-03-2016 within four months from the date of receipt of a copy of this order.
- b) The petitioner is given liberty *inter ali* to place before respondents the necessity or otherwise to continue with the prosecution while considering his objections under Section 60 of the A.P.Co-operative Societies Act, 1964.
- c) The stay granted on 22-03-2012 is directed to be in force till the surcharge enquiry is completed and appropriate orders are communicated to petitioner.
- d) All contentions on merits are left upon for consideration by the primary authority.

Accordingly, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J

Date: 06.04.2016

Prv

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.7989 OF 2012

-

-

06-04-2016

Prv

-

-

-

-