

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT APPEAL No.462 OF 2016

Date: 21.06.2016

Between:

Y.V.S.R. Murthy S/o late Venkatesam
R/o 49-55-67, Vidyut Nagar, Visakapatnam

.....Petitioner

And

Deputy Registrar of Cooperative Societies
Visakapatnam and others

.....Respondents/
Respondents.

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO
WRIT APPEAL No.462 OF 2016**

PC: (*Per the Hon'ble Sri Justice P.Naveen Rao*)

Petitioner-appellant was working as Secretary, Bharat Cooperative House Building Society Limited, Visakapatnam. In the enquiry conducted under Section 52 of the A.P. Cooperative Societies Act, 1964 (for short the Act, 1964), grave illegalities committed by the petitioner were noticed, which resulted in huge financial loss to the society. By invoking provision in Section 60 of the Act, 1964 orders were passed on 25.3.1992. Challenging the said orders petitioner filed O.A. No. 71 of 1998 on the file of the A.P. Cooperative Tribunal (for short the Tribunal). On detailed consideration of the contentions urged on behalf of the petitioner, the Tribunal by order dated 10.07.2000 affirmed the surcharge proceedings and dismissed the application. The said order of the Tribunal and the orders dated 25.3.1992 are assailed in the writ petition. The learned single Judge of this Court, having found that the Tribunal has considered all the contentions urged by the petitioner, declined to interfere with the order. One of the specific contentions urged by the petitioner was on the question of violation of principles of natural justice. Learned single Judge on detailed consideration, rejected the said contention and affirmed the decision of the Tribunal.

2. In this appeal, petitioner reiterated his contentions as urged before the Tribunal and in turn before the learned single Judge.

In particular, learned counsel for the petitioner would submit that petitioner was deprived reasonable opportunity by the authorities under the Act, 1964 and surcharge proceedings are not maintainable.

On going through the record, it is seen that the petitioner was afforded due opportunity by authorities under the Act, 1964 as well as by the Tribunal. Thus, we are not persuaded to accept the contentions of the petitioner. We see no error in the decision arrived at by the learned single Judge. Writ Appeal is accordingly dismissed. Miscellaneous petitions, if any, stand dismissed. No costs.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date: 21.06.2016

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**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
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