

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.5256 OF 2012

ORDER :

The petitioner challenges proceedings No.AP/44060/RRCELL/2012 dated 17.02.2012.

The 2nd respondent issued the notice impugned in the writ petition calling upon the petitioner to show cause why he should not be committed to civil prison in execution of R.C. No.122/05 dated 27.04.2005.

The case of petitioner is that the notice impugned in the writ petition is issued for effecting recovery or taking such other measure as required by law for the recovery of amount pursuant to certificate dated 27.04.2005. According to petitioner, he was the Managing Committee Member between 28.12.2005 and 15.06.2009. Therefore, by no stretch of imagination, the alleged acts of commission and omission by the then members, the 2nd respondent cannot issue the notice impugned in the writ petition.

This Court on 28.02.2012 granted the following interim order:

“ Notice before admission.

There shall be stay of the arrest of the

petitioner pending further orders.”

The same is subsisting as on date.

The respondents have not filed counter affidavit and no one represents the 2nd respondent.

On 21.02.2012, admittedly, the petitioner has given explanation to the notice impugned in the writ petition. It is submitted that final

orders are not passed by the 2nd respondent.

Having regard to these circumstances, I am satisfied that the writ petition can be disposed of by this order:

The 1st respondent is directed to consider and dispose of the explanation/representation dated 21.02.,2012 within three months from the date of receipt of a copy of this order.

The interim order granted on 28.02.2012 is directed to be maintained for a further period of 15 days from the date of passing and communicating the order to petitioner.

No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V. BHATT, J

Date:19.07.2016

Stp