

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29639 of 2017

ORDER:

The petitioner is the Director of Primary Agriculture Cooperative Society, Vengalamma Cheruvu. He was elected in February, 2013, and continuing as such. He worked as the President of the Society from 2005-2013. He states that on the complaint made by the brother of the then President of the Society to the Hon'ble Chief Minister of Andhra Pradesh, a notice was given by the Sub Divisional Cooperative Officer, Penukonda, on 22.08.2014 to the Society members to attend for an enquiry on 04.09.2014. Thereafter, the complaint itself was withdrawn. Again a fresh enquiry was conducted on 01.11.2014 and final orders were passed on 16.04.2015 stating that the President and the CEO have to repay the benefits taken by the members and farmers of the Society. The Divisional Cooperative Officer, Hindupur, forwarded the report to the District Cooperative Officer, Anantapur, on 15.06.2015 for taking appropriate action against the persons responsible for misappropriation of the funds of the Society. Thereafter, a surcharge notice was issued under Section 60 of the Andhra Pradesh Cooperative Societies Act (for short, the Act) by the Deputy Registrar of Cooperative Societies, Hindupur, on 09.07.2015 to the petitioner, who is the Ex-President of the Society, and to the Chief Executive Officer. The seven members, who took the loan, paid the amounts on 22.06.2015 and in

those circumstances, the Divisional Cooperative Officer, Hindupur, addressed proceedings on 10.12.2015 to the District Cooperative Officer, Anantapur, reporting that no surcharge proceedings were warranted against the delinquents and, accordingly, they were dropped. Now, when respondent No.4 issued a show cause notice on 02.08.2017 directing the petitioner to submit explanation with regard to the proposed action of declaring the petitioner as ceased to have held the Office and to be ineligible to be elected as member of the committee for a period of six years on the ground that he sanctioned benami loans while functioning as the President of the Society during the period 2006-2013, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that since the earlier proceedings were dropped, respondent No.4 should not have taken any action after expiry of two years on the selfsame charge. She further submits that an explanation was already submitted, but respondent No.4 may take action without considering the explanation in proper perspective.

Since this is only a show cause notice and the petitioner states that he has already submitted the explanation, this Court is not inclined to entertain the present Writ Petition at this stage, as it is a premature Writ Petition. Whether the provisions of Section 21-AA(2) of the Act are attracted or not in the instant case depends on the basis of the explanation submitted by the

petitioner, which has to be gone into by respondent No.4. Unless respondent No.4 passes an order, this Court cannot interdict the proceedings issued by respondent No.4 on the basis of the show cause notice.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

01.09.2017
vs



(A.RAMALINGESWARA RAO, J)