

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 21615 of 2008

Order:

None appears for the petitioner.

It is the case of the petitioner that the third respondent Society committed several financial irregularities and the funds of the Society were misused by the committee members for their wrongful gain. The financial irregularities were noticed in the statutory audit conducted for the years 2004-05 and 2005-06. The petitioner states that proceedings have to be taken under Section 60 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act'). He also states that a notice under Section 80 of CPC was issued to the respondent on 25.04.2008 for taking necessary action against the society for recovery of the amount and in spite of the same when no action was taken, the present Writ Petition was filed.

No counter affidavit is filed by the respondents.

However, on the basis of written instructions issued to the learned Government Pleader it is stated that the departmental Auditor pointed out major financial irregularities during the years 2004-05 and 2005-06. The irregularities were communicated to the third respondent and it is for the third respondent to rectify the defects pointed out by the Auditor and submit the rectification report within six weeks from the date of receipt of audit certificate. An Enquiry Officer was also appointed under Section 51 of the Act to enquire into the affairs of the society and report is awaited. On the basis of the report of the Enquiry Officer action would be initiated after communicating the report to the Managing Committee. The said instructions were issued in the year 2009.

In the circumstances, this Writ Petition is disposed of directing the respondents 1 and 2 to take further action in accordance with law, pursuant to the report submitted by the Enquiry Officer appointed under Section 51 of the Act, within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 05.01.2017
Nsr

