

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 2664 OF 2017

ORDER:

This Writ Petition is filed challenging the proceedings in Rc.No. 2704/2007-Cr-I dated 27.12.2016, issued by the second respondent.

2. A reading of the order shows that after ordering an inquiry under Section 51 of the A.P. Cooperative Societies Act, 1964, by the then Joint Registrar/District Cooperative Officer, West Godavari District, Eluru and appointing an enquiry officer, the then President of the Society filed W.P.No. 70 of 2008, wherein an interim stay was granted, as a result of which, the inquiry did not proceed and ultimately the said Writ Petition was closed as infructuous on 29.6.2016. After closing the Writ Petition, the present impugned order was passed appointing another enquiry officer to inquire into the allegations relating to the year 2007.

3. Learned counsel for the petitioner submits that after ordering an enquiry in the year 2007, another enquiry was conducted in the year 2010 and the present order does not specify whether the present enquiry relates to the affairs of the Society of the year 2007 or not and moreover the petitioner was elected only in the year 2013 and he has nothing to do with the said allegations.

4. The learned Government Pleader on the basis of the written instructions submits that the enquiry conducted in the year 2010 has

nothing to do with the proposed enquiry, which was held up because of the pendency of the Writ Petition before this Court. It is specifically stated as follows:

“6) The contents for ordering the Inquiry in proceedings Roc (Coopn) No. 2704/2007-C, dt 20-12-2007 are different from the allegations basing on which an Inquiry order vide proceedings Roc (Coopn) No. 447/2010-Cr-I, dt. 02.3.2010. The contents in the special report of the Sub-Divisional Cooperative Officer, Narsapuram are:

- (i) The Sub-Divisional Cooperative Officer, Narsapuram reported that an amount of Rs. 1,50,000 relating to the society is taken as President advance has been held up with the president since 28-06-2007 and also an amount of Rs. 1,96,000/- is being fertilizer advance since April 2007. The sale proceeds of the PDS of Rs. 43,000/- was not credited to the cash book of the society.
- (ii) The Sub-Divisional Cooperative Officer, Narsapuram further reported that a cash voucher of Rs. 1,20,000/- proposed to have been given by the proprietor of Venkateswara Trade and General Store, K.P.Palem on 29.6.2007 being supply of fertilizers to the society. He also reported that the Managing Committee has not passed any resolution to take up the fertilizer business and for fertilizer loans to the members and disbursed to a tune of Rs. 10,860/- to the members without any resolution of the Managing Committee.

The above allegations are not covered in the Inquiry proceedings Roc (Coopn) No. 447/2010-Cr-I, dt. 02.3.2010. Hence, the contention of the petitioner that the present proceedings ordering Inquiry without noticing the proceedings Roc (Coopn) No. 447/2010-Cr-I, dt. 02.3.2010 is liable to set aside is not correct.”

5. In view of the same, this Court sees no ground to interfere with the impugned order and accordingly, the Writ Petition is dismissed. There shall be no order as to costs. As sequel thereto, Miscellaneous Petitions, pending if any, shall stand closed.

A. RAMALINGESWARA RAO, J

DATE: 23.02.2017

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