

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27528 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner is represented by its President, who was elected as such in the year 2013 for a period of five years. While so, on the petition filed by respondent No.4, it appears that an enquiry was initiated under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964 (for short, the Act), against the petitioner. Challenging the same, the present Writ Petition is filed on the short ground that Rule 47 of the Andhra Pradesh Cooperative Societies Rules (for short, the Rules) was not complied with, and the learned Counsel for the petitioner relied on an unreported decision of this Court in W.P.No.17530 of 2008, dated 06.11.2008.

This Court in the said decision did not find fault with the initiation of enquiry, but indicated that Rule 47 of the Rules shall be complied with. Rule 47 of the Rules mandates indication of the terms of enquiry as it avoids roving enquiry. This Court in the said order held as follows:

“Though the basis for initiating the enquiry under Section 51 of the Act against the Society is indicated in the impugned proceedings, the terms of reference are not mentioned. In **Cheranellur Co-operative Society v. Deputy Registrar** (AIR 1977 Kerala 76), the Kerala High Court took the view that failure to indicate the terms of reference of an enquiry, under similar provision would lead to illegality.

Hence, the Writ Petition is disposed of directing that the first respondent shall indicate the terms of reference through separate set of proceedings within two (2) weeks from the date of receipt of a copy of this order and the enquiry shall proceed only on that basis. Till such terms are settled, further steps in pursuance of the impugned order shall stand stayed.”

In view of the above, this Writ Petition is also disposed of directing the second respondent to indicate the terms of reference through separate set of proceedings within two (2) weeks from the date of receipt of a copy of this order and the enquiry shall proceed only on that basis. Till such terms are settled, further steps in pursuance of the impugned order shall stand stayed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

18.08.2017

vs

(A.RAMALINGESWARA RAO, J)

