

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No. 1091 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The 5th respondent in W.P. No. 21417 of 2017 has preferred this appeal against the order passed by the learned Single Judge in W.P. No. 21417 of 2017 dated 4.7.2017. The 5th respondent in this appeal filed the writ petition seeking a mandamus to declare the action of the District Cooperative Officer in not completing the audit of the accounts with regards the building of Telangana Class IV employees Central Association Bhavan, and the rents received from the mulgies situated at NTR Chowk, Adilabad, inspite of the directions of the District Collector, Adilabad dated 13.2.2016 as illegal and arbitrary.

Without notice to the appellant-5th respondent, the writ petition was disposed of at the stage of admission directing the 3rd respondent to complete the said task of audit, pursuant to the proceedings of the 2nd respondent, within eight weeks from the date of receipt of a copy of the order.

Sri Venkata Mayur, learned counsel for the appellant, would draw our attention to the letter addressed by the District Cooperative Officer(FAC), Adilabad to the District Collector on 20.7.2016, whereby the District Cooperative Officer, Adilabad informed the District Collector that the District Cooperative Audit Officer was unable to take up audit of the accounts of the Telangana Class IV employees or any other organisations, institutions etc., through departmental auditors, as he was not the competent authority to entrust any other item of work except Cooperative Departmental audit.

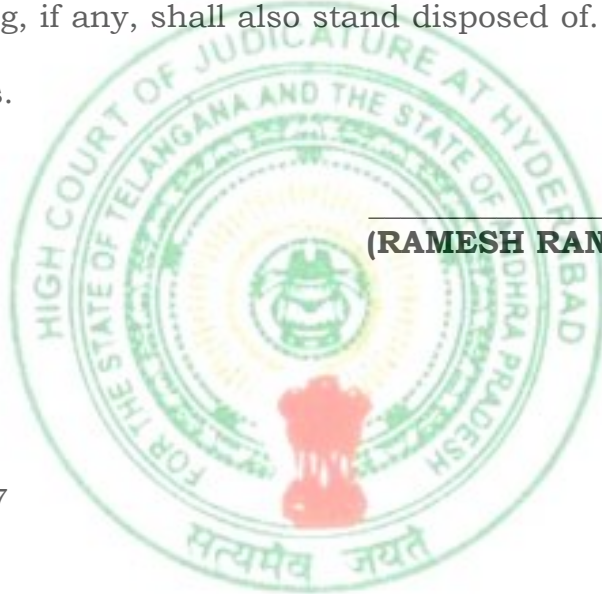
While S. Surender Reddy, learned counsel for the 5th respondent-writ petitioner, would contend that no reliance can be placed upon the said letter, these are all matters which are required to be considered by the learned Single Judge after all the parties to the writ petition,

including the appellant herein, are put on notice and are given an opportunity of being heard.

As the writ petition was disposed of at the stage of admission, without the appellant being put on notice, the order under appeal is set aside. W.P. No. 21417 of 2017 is restored to file.

Sri Venkata Mayur, learned counsel for the appellant-5th respondent, states that a counter affidavit would be filed within two weeks from today. It is open to Sri S. Surender Reddy, learned counsel for the 5th respondent-writ petitioner, to request the learned Single Judge to take up the matter 'for admission' any day after two weeks.

The writ appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

7th August, 2017

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Date: 07.08.2017

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