

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 38782 of 2016

Order:

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

The petitioner is a Society represented by its President. It appears that a complaint was lodged against the Managing Committee of the Society, more particularly with regard to mortgage bonds of the mortgage loans. On the basis of the same, a preliminary enquiry was conducted and basing on the said preliminary enquiry, proceedings were issued on 19.10.2016 ordering for an enquiry under Section 51 of the A.P. Co-operative Societies Act, 1964 (for short 'the Act') entrusting the enquiry to the fifth respondent. It is stated that a statutory inspection was already conducted under Section 52 of the Act pursuant to the order of the third respondent dated 12.04.2010. The Inspecting Officer submitted his report on 20.09.2010 showing that the Ex-President of the Society along with the Secretary, Supervisor and Ex-Manager are responsible for the misappropriation of an amount of Rs.52,76,393/-. The surcharge proceedings were issued against them and the same are pending. The entire records of the Society were seized by the Officer and they are still in possession of the fourth respondent. The President of the Society was elected in January 2013 and it is stated that the Society is running in losses. Challenging the allegations in the complaint made against the Managing Committee of the Society and ordering for an enquiry on the basis of the said allegations, the present Writ Petition is filed.

Since the third respondent is *prima facie* satisfied with regard to desirability of conducting the enquiry under Section 51 of the Act and

entrusted the matter to the fifth respondent, this Court is not inclined to entertain the present Writ Petition. But, the learned counsel for the petitioner submitted that the issues framed in the impugned order dated 19.10.2016 are not specific and they are omnibus.

In the circumstances, this Writ Petition is disposed of directing the third 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. There shall be no order as to costs.

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

Date: 27.10.2017
Nsr

A. RAMALINGESWARA RAO, J

