

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 8191 OF 2004

ORDER :

When the matter is taken up for hearing, it is noticed that the petitioner is challenging the order of recovery vide proceedings dated 23.3.2004 contending that the said orders were passed without taking into consideration the explanation submitted by the petitioner.

2. This Hon'ble Court was pleased to grant interim orders on 18.6.2004 staying of recovery.

3. The Counsel for the petitioner contends that let the respondents consider the case of the petitioner after giving opportunity to the petitioner and contends that the impugned orders are liable to be set aside.

4. The Counsel for the petitioner further contends that as per the Judgment of this Hon'ble Court in the case of *Challa Sanyasinaidu Vs. Deputy Registrar of Co-operative Societies*¹, wherein it was held that the respondents cannot recover the amount.

5. This Court is of the considered view that the recovery proceedings are contrary to the law laid down in the judgment referred supra.

6. In view of the submission, the Proceedings Rc.No.313/2002-B, dated 23.3.2004 are liable to be set aside and they are accordingly set aside. The Writ Petition is allowed.

7. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

27th November, 2018

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¹ 1998 (1) ALD 455