

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40053 OF 2018

DATED :19.11.2018

Between :

M. Karunakar Reddy S/o.late M.Hanumantha Reddy,
Aged 49 yrs, Occu : Farmer, R/o.D.No.1/86,
Kallumarri Village, Madakasira Mandal,
Anantapur District & another.

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Petitioners

And

The State Andhra Pradesh,
Rep., by its Principal Secretary,
Agriculture and Cooperation Department,
Secretariat, Amaravathi, Velagapudi & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioners, learned Government Pleader for Agriculture for respondents.

2. This writ petition is filed challenging the demand notice dated 25.10.2018 in pursuant to E.P.No.13/2018-19 and E.P.No.6/2018-19, demanding an amount of Rs.6,07,011/- and Rs.1,66,663/- with interest @ 18% p.a. It is alleged that the surcharge order stated to have been passed by the competent authority on 17.08.2018 was not communicated to the petitioners and without communicating the surcharge order, no coercive action can be taken against the petitioners depriving their right to prefer appeal against the said order.

3. Learned Government pleader, fairly submits that though orders are passed on 17.08.2018, the orders were communicated to the petitioners only on 08.11.2018.

3. In view of the same, the impugned proceedings are not sustainable, as petitioners have remedy of appeal available and they can avail the remedy of appeal within 60 days from the date of communication of order.

4. Hence, the impugned proceedings are set aside and the Writ Petition is allowed. It is open to the petitioners to avail the remedy of appeal, if so advised, against the order passed by the Deputy Registrar of Cooperative Societies, under Section 60 of the A.P.Cooperative Societies Act, 1964 on 17.08.2018. It is

also open to the respondent authorities to proceed in accordance with law, as a consequent to the surcharge proceedings now served on the petitioners. Pending miscellaneous petitions shall stand closed.

19th November, 2018
Rds

P.NAVEEN RAO,J

