APHC010516802026

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI**
**(Special Original Jurisdiction)**

MONDAY, THE 12th DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**WRIT PETITION NO: 28275 OF 2026**

**Between:**

1. PENTAYALA ANIL KUMAR, S/o (Late) Satyanarayana, age 28 years, Occ Assistant Executive, Kukalamarru PACS, Karamchadu Brach, D.No.3/35A, Dronadula Village, Marturu Mandal, Bapatla District.

**...Petitioner**

**AND**

1. The State of Andhra Pradesh, rep by its Principal secretary for Agriculture and Co-operation Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District-522238.

2. The Commissioner for Cooperation and Registrar of Cooperative Societies, Andhra Pradesh, Vijayawada.

3. The District Cooperative Officer, Bapatla District, Bapatla.

4. Smt Jakka Sridevi, Senior Inspector, 0/o the Sub-Divisional Co-operative Officer, Addanki.

5. The Dronadula Primary Agricultural Cooperative Society Ltd, , Dronadula Village, Marturu Mandal, Bapatla District, rep. by its Chairperson Sri Mupparaju Anjaneyulu

**...Respondents**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toissue an appropriate writ order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings in Rc.No.924/2026-B1 dated 02.07.2026 on the file of the 3rd respondent ordering an enquiry under Section 51 of APCS Act, 1964 into the affairs of the 5th respondent society and appointing the 4th respondent as the Inquiry Officer as illegal, arbitrary, vitiated by bias and violative of principles of natural justice and Articles 14 and 21 of the Constitution of India and consequently set aside the same

**IA NO: 1 OF 2026**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased suspend the operation of the impugned proceedings in Rc.No.924/2026-B1 dated 02.07.2026 on the file of the 3rd respondent and all further proceedings pursuant thereto, pending disposal of the above writ petition

**Counsel for the Petitioner: GANTA PRASAD**

**Counsel for the Respondents: GP FOR COOPERATION**

**The Court made the following order:**

The learned counsel appearing for the petitioner submits that the petitioner was the Chief Executive Officer (C.E.O.) of respondent No.5 and that a preliminary enquiry was conducted into certain allegations of misappropriation against the then C.E.O. of respondent No.5.

2. It is further submitted that the preliminary enquiry was conducted and a preliminary enquiry report dated 04.06.2026 was submitted whereby it was proposed to conduct a detailed enquiry under Section 51 of the Andhra Pradesh Co-operative Societies Act, 1964 (hereinafter referred to as “the Act”).

3. The learned counsel for the petitioner submits that the preliminary enquiry was conducted by Sri K.V. Krishna Rao and Smt. J. Sri Devi, who are Senior Inspectors in the office of Sub-Divisional Co-operative Officer (SDCO), Addanki. It is submitted that Smt. J. Sri Devi, the respondent No.4 is appointed as the Enquiry Officer under Section 51 of the Act. It is submitted that having found the petitioner allegedly committing certain irregularities insofar as withdrawal of amounts from the bank accounts of farmers and crediting of amounts etc. The same officer cannot be entrusted with the job of conducting enquiry under Section 51 of the Act.

4. The learned Assistant Government Pleader appearing for the respondents submits that an enquiry under Section 51 of the Act can be initiated either by the Registrar, by himself or he may authorized any officer for

completing the enquiry and submitting the report. It is also submitted that as per G.O.Ms.No.23, dated 30.04.2026, the Registrar can appoint any officer for conducting an enquiry under Section 51 of the Act.

5. Heard the learned counsel appearing for the petitioner and learned Assistant Government Pleader appearing for respondent Nos. 1 to 3.

6. The preliminary enquiry report dated 04.06.2026 was submitted by respondent No.4 and another Officer from the office of respondent No.2. Entrusting the enquiry under Section 51 of the Act to respondent No.4, who conducted the preliminary enquiry, would be prejudicial to the interests of the petitioner.

7. Respondent No.2 shall have to ensure fair play in conducting enquiries, and the enquiry under Section 51 of the Act cannot be entrusted to the same officer who submitted the preliminary enquiry report. Vide proceedings dated 02.07.2026, respondent No.3 has entrusted the enquiry to respondent No.4. Such proceedings do not sustain the scrutiny of law.

8. The respondent No.4 shall have to sustain the preliminary findings in the enquiry under Section 51 of the Act as such, the enquiry conducted by respondent No.4 basing on the preliminary report would not over-reach or over-turn findings in the preliminary enquiry. In order to ensure fairness to both the petitioner as well as the respondent-authorities, it would be ideal to entrust the enquiry to an officer unconnected with the preliminary report.

9. On these grounds, the impugned proceedings dated 02.07.2026 appointing respondent No.4 are hereby set aside, leaving it open to the respondent-authorities to appoint another officer unconnected with the submission of the preliminary enquiry report to conduct the required enquiry in accordance with the Act.

10. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

**JUSTICE HARINATH.N**

12.10.2026
RJS/SZT

**07**

**HON'BLE SRI JUSTICE HARINATH.N**

**WRIT PETITION NO: 28275 OF 2026**

**Dt: 12.10.2026**

**RJS/SZT**