APHC010617542026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

FRIDAY, THE 20th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 33843/2026

Between:

1. SUNKAVALLI BRAHMAIAH, , S/O. SUNKAVALLI RAMA KOTAIAH, AGED ABOUT 60 YEARS, OCC AGRICULTURE, EX-PRESIDENT, RAMANNAGUDEM PRIMARY AGRICULTURAL COOPERATIVE CREDIT SOCIETY LTD., NO. E-1496, R/O. H.NO. 1-137, DEVINENIVARIGUDEM VILLAGE, DWARAKATIRUMALA MANDAL, ELURU DISTRICT (FORMERLY WEST GODAVARI DISTRICT), ANDHRA PRADESH- 534426.

...PETITIONER

AND

1. THE STATE OFANDHRA PRADESH, , REP. BY ITS EX-OFFICIO SPECIAL CHIEF SECRETARY TO GOVERNMENT, AGRICULTURE, COOPERATION AND MARKETING DEPARTMENT, A.P SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT- 522238
2. THE COMMISSIONER FOR COOPERATION AND REGISTRAR OF COOPERATIVE SOCIETIES, , GOVERNMENT OF ANDHRA PRADESH, GUNTUR, GUNTUR DISTRICT- 522002
3. THE DISTRICT COOPERATIVE OFFICER, , ELURU DISTRICT, ELURU- 534001 4. THE DIVISIONAL COOPERATIVE OFFICER, ELURU, ELURU DISTRICT.
4. THE DIVISIONAL COOPERATIVE OFFICER, ELURU, ELURU DISTRICT.
5. SRI V M S CHANDRA BABU, ASSISTANT REGISTRAR, O/O. SUB-

DIVISIONAL COOPERATIVE OFFICER (SDLCO), ELURU, AND INQUIRY OFFICER UNDER SECTION 51 OF THE APCS ACT, 1964, THE RAMANNAGUDEM PRIMARY AGRICULTURAL COOPERATIVE CREDIT SOCIETY 1496,DEVINENIVARIGUDEM, DWARAKATIRUMALA MANDAL, ELURU DISTRICT- 534001.

6. THE RAMANNAGUDEM PRIMARY AGRICULTURAL COOPERATIVE CREDIT SOCIETY LTD NO, E-1496, DEVINENIVARIGUDEM, DWARAKATIRUMALA MANDAL, ELURU DISTRICT, REP. BY ITS CHIEF EXECUTIVE OFFICER- 534001

...RESPONDENT(S):

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 a Writ, Order, or Direction, more particularly one in the nature of a WRIT OF MANDAMUS, declaring the action of the 5th Respondent in issuing the impugned Summons dated 11.11.2026 and the consequential Final Summon dated 17.11.2026 in the purported inquiry under Section 51 of the Andhra Pradesh Cooperative Societies Act, 1964 into the affairs of the 6th Respondent Society (Procgs. Rc. No. 218/2026-C, dated 12-06-2026 of the 3rd Respondent), directing the Petitioner to appear on 23.11.2026 at 10 30 A.M. to give his deposition and submit an explanation without furnishing copies of the Section 51 inquiry proceedings, the terms of reference under Rule 47 of the APCS Rules, 1964, the prima facie report, the specific transactions/imputations under inquiry, and the relevant Society records as requested by the Petitioner in his representation dated 13.11.2026, as illegal, arbitrary, without jurisdiction, violative of Section 51 and Rule 47 of the A.P. Cooperative Societies Act and Rules, 1964, contrary to the principles of natural justice, and violative of Articles 14 and 21 of the Constitution of India and consequently set aside the impugned Summons dated 11.11.2026 and Final Summon dated 17.11.2026,

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 may be pleased to stay all further proceedings pursuant to the impugned Summons dated 11.11.2026 and Final Summon dated 17.11.2026 issued by the 5th Respondent, including the personal appearance of the Petitioner scheduled on 23.11.2026 at 10:30 A.M. and any coercive or ex parte action under Section 79(1)(c) or Section 51 of the Andhra Pradesh Cooperative

Societies Act, 1964, pending disposal of the above Writ Petition, and pass such

Counsel for the Petitioner:

1. ELURU SESHA MAHESH BABU

Counsel for the Respondent(S):

1. GP FOR COOPERATION

The Court made the following order:

Learned counsel for the petitioner submits that the petitioner is aggrieved by the action of the respondent authorities in issuing summons for appearance in connection with the affairs of the 6th respondent Society in the pending enquiry under Section 51 of the Andhra Pradesh Co-operative Societies Act, 1964.

2. It is submitted that the petitioner is a former President of the Society and that the 5th respondent issued summons calling upon the petitioner to appear on 23.11.2026 at 10:30 A.M. at the office of the 6th respondent Society to submit his explanation in connection with the enquiry. The final summons dated 17.11.2026 also states that the petitioner would be permitted to inspect and verify the relevant records of the Society and thereafter give his deposition before the Enquiry Officer.

3. Learned counsel for the petitioner submits that Rule 47 of the Andhra Pradesh Co-operative Societies Rules, 1964, deals with the order authorising any person to hold an enquiry and that the terms of the enquiry are required to be issued in writing to the Enquiry Officer. It is submitted that the summons received by the petitioner does not refer to any of the terms of reference for which the proposed enquiry is being conducted. It is further submitted that the petitioner had initially received a notice dated 11.11.2026, pursuant to which the petitioner submitted his explanation on 13.11.2026, requesting the respondent authorities to furnish the necessary information and particulars relating to the enquiry. It is further submitted that though the final summons dated 17.11.2026 permits the petitioner to conduct an inspection of the records of the Society, the same may not suffice, as the petitioner would have to go through the records for submitting his answers with reference to the terms of reference.

4. The learned Assistant Government Pleader appearing for respondents 1 to 5 submits that the details shall be furnished to the petitioner and that the

petitioner shall have to respond to the said details and cooperate with the enquiry.

5. Considering these submissions, notice to the 6th respondent is dispensed with. The 5th respondent is hereby directed to furnish the terms of reference and any information sought by the petitioner with reference to the terms of reference and issue a fresh date of enquiry to the petitioner. It is made clear that the petitioner shall appear and cooperate with the enquiry.

6. With the above observations, the Writ Petition stands disposed of. There shall be no order as to costs.

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

JUSTICE HARINATH.N

20.11.2026
RSD/PVS

THE HONOURABLE SRI JUSTICE HARINATH.N

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20.11.2026
RSD/BAK