

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

WEDNESDAY, THE TWELFTH DAY OF JULY  
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 15986 OF 2023



**Between:**

The Kurnool Town Sharoofs Co Operative House Building Society LTD,  
Represented by its President K.Guruvaiah, Registered No.P.No.825, Sharooof Bazar,  
near old bus stand, Kurnool, Andhra Pradesh

**...PETITIONER**

**AND**

1. The State Of Andhra Pradesh, Rep.by its Principle Secretary, Co-operation Department, Secretariat, Velgapudi, Guntur District.
2. The District Cooperative Officer, Kurnool District, Kurnool.
3. The Sub Divisional Cooperative Officer, Kurnool district, Kurnool.
4. Chilukuru Nanda Kishore, S/o. late VeerannaSetty, Hindu, aged about 53 years, business, Shop No.19, Balaji Jewellers, SVC Sharooof Bazar, near old bus stand, Kurnool, Andhra Pradesh.
5. C.Bhaskar, S/o. C.Krishna Murthy, Hindu, aged about 54 years, business, Shop No.14, ChilukuriPapaiahSettyJewellers, SVC Sharooof Bazar, near old bus stand, Kurnool, Andhra Pradesh.
6. T.Nagaraju, S/o.T.Raja Ratnam, Hindu, aged about 52 years, business, Shop No.32, ThriveedhiJewellers, SVC Sharooof Bazar, near old bus stand, Kurnool, Andhra Pradesh.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, or order or direction, more so a Writ in the nature of mandamus holding that failure of the respondent No.2 and 3 in not following due process of law on my representation dated 25/02/2023 seeking to initiate appropriate legal action for recovery of misappropriated funds by the respondents 4 to 6, as bad, illegal, arbitrary, violation of principles of natural justice and contrary to the provisions of Section 60 of Andhra Pradesh Cooperative Societies Act, 1964 and consequently issue directions to the respondents 2 and 3 to consider my representation dated 25/02/2023 and to take appropriate legal steps against respondents 4 to 6 for recovery of misappropriated funds and also for their criminal liability.

**IA NO: 1 OF 2023**

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to declare that failure of the respondent No.2 and 3 in not following due process of law on my representation dated 25/02/2023 seeking to initiate appropriate legal action for recovery of misappropriated funds by the respondents 4 to 6, as bad, illegal, arbitrary, violation of principles of natural Justice and contrary to the provisions of Section 60 of Andhra Pradesh Cooperative Societies Act, 1964 and consequently issue directions to the respondents 2 and 3 to consider my representation dated 25/02/2023 and to take appropriate legal steps against respondents 4 to 6 for recovery of misappropriated funds and also for their criminal liability.

**Counsel for the Petitioner: SRI. MAHESH KUMAR KANCHARLA**

**Counsel for the Respondent NOS.1 to 3: GP FOR COOPERATIVE DEPARTMENT**

**Counsel for the Respondent : APPEARED NONE**

**The Court made the following: ORDER**

**HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

**WRIT PETITION No.15986 of 2023**

**ORDER:**

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking following relief:

*"to issue a writ, or order or direction, more so a Writ in the nature of mandamus holding that failure of the respondent No.2 and 3 in not following due process of law on my representation dated 25/02/2023 seeking to initiate appropriate legal action for recovery of misappropriated funds by the respondents 4 to 6, as bad, illegal, arbitrary, violation of principles of natural justice and contrary to the provisions of Section 60 of Andhra Pradesh Cooperative Societies Act, 1964 and consequently issue directions to the respondents 2 and 3 to consider my representation dated 25/02/2023 and to take appropriate legal steps against respondents 4 to 6 for recovery of misappropriated funds and also for their criminal liability and to pass such other order or orders..."*

2. Heard learned counsel for the petitioner and learned counsel for the respondents.

3. The learned counsel for the petitioner submits that petitioner herein is a Society represented by its President K.Guruvaiah submitted a representation dated 25.02.2023 seeking to conduct enquiry against the respondent Nos.4 to 6 under Section 60 of the Andhra Pradesh Cooperative Societies Act, 1964, for misappropriation of amount said to have been

committed by them and for recovery of misappropriated amount said to have committed by them. He further submits that even though, the representation of the petitioner received by the respondents, the respondent authorities neither considered the representation nor initiated any action as contemplated under the Act. Hence, the Writ Petition.

4. On the other hand, the learned Government Pleader furnished his written instructions dated 03.07.2023 issued by the 2<sup>nd</sup> respondent herein wherein it is stated that:

*"On 26.02.2023 an enquiry was ordered by the District Co-op officer, Kurnool duly appointing the Senior Inspector, O/o SDLCO, Kurnool Sri G.Ramakrishnaiah with instructions to conduct enquiry on the allegations raised by the President of the Society and submit the fact finding report to take further necessary action. On 15-06-2023 and Enquiry U/S 51 of APCS, Act 1964 was ordered.*

*Meanwhile, an Advocate by name Sri M.Vittal Setty, Kurnool on behalf of former PIC members Sri C.Nanda Kishore, Sri C.Bhaskar and Sri T.Nagaraju had issued a legal notice to the Enquiry Officer to furnish all the records pertaining to the Society for the period from 01-04-2021 to 31-03-2022 to his clients which were kept with the Present Elected Managing Committee of the said society".*

5. In view of the enquiry as required is already initiated by the respondent authorities, no cause is survived for further adjudication. Accordingly, this Writ Petition is disposed of directing the respondents to proceed further, pursuant to the

enquiry initiated by them as stated above in accordance with law.

No order as to costs.

Consequently, Interlocutory Applications, if any, pending in this Writ Petition shall stand closed.

**SD/- N. NAGAMMA  
ASSISTANT REGISTRAR**

//TRUE COPY//

*for* **SECTION OFFICER**

To,

1. The Principle Secretary, Co-operation Department, Secretariat, Velgapudi, Guntur District.
2. The District Cooperative Officer, Kurnool District, Kurnool.
3. The Sub Divisional Cooperative Officer, Kurnool district, Kurnool.
4. Chilukuru Nanda Kishore, S/o. late VeerannaSetty, Hindu, aged about 53 years, business, Shop No.19, Balaji Jewellers, SVC Sharooof Bazar, near old bus stand, Kurnool, Andhra Pradesh.
5. C.Bhaskar, S/o. C.Krishna Murthy, Hindu, aged about 54 years, business, Shop No.14, ChilukuriPapaiahSettyJewellers, SVC Sharooof Bazar, near old bus stand, Kurnool, Andhra Pradesh.
6. T.Nagaraju, S/o.T.Raja Ratnam, Hindu, aged about 52 years, business, Shop No.32, ThrlveedhiJewellers, SVC Sharooof Bazar, near old bus stand, Kurnool, Andhra Pradesh.
7. One CC to Sri. Mahesh Kumar Kancharla Advocate [OPUC]
8. Two CCs to GP For Cooperation ,High Court Of Andhra Pradesh. [OUT]
9. Two CD Copies

AL  
AG

SK.Aslam

**HIGH COURT**

**DATED:12/07/2023**

**ORDER**

**WP.No.15986 of 2023**

4 Copies  
S.M.A  
16/08/23

**DISPOSING OF WP WITHOUT COSTS**

