

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE THIRTEENTH DAY OF AUGUST

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 20980 OF 2025



Between:

Yeleswaram Primary Agricultural Co-operative Society, Rep. by its Chief Executive Officer, G.N.S.Srinivas, S/o.Ammanna, aged 55 years, Shiridi Nagar, Yeleswaram(V) and (M), Kakinada District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Agriculture and Co-operation Department, Secretariat Buildings, Velagapudi, Amravati, Guntur District.
2. The Commissioner for Co-operation and Registrar of Co-operative Societies, Government of Andhra Pradesh, Tadepalli, Guntur District-522501.
3. The District Collector, Kakinada District.
4. The District Cooperative Officer, Kakinada District, Kakinada.

...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 to issue a writ, order or direction more particularly one in the nature of writ of Mandamus,

- i. the impugned action of 1st respondent in issuing the impugned Memo N0.2728965/COOP0DCCB/18/2025-COOP-II, dt 20.06.2025, vacating the stay granted in Appeal preferred by petitioner society without any Notice or opportunity to petitioner

- illegal, arbitrary, violative of principles of natural justice, consequently set aside the same and further
- ii. declare the impugned action of 3rd respondent in issuing impugned proceedings Rc.No.2109/2023-A, dt 30.01.2025, so far as it relates to conducting enquiry with reference to loans sanctioned and disbursed to the members of the petitioner society as illegal, arbitrary without jurisdiction, apart from violative of Article 14 of the Constitution of India and also contrary to the provisions of A.P Co-operative Societies Act, 1964, consequently set aside the same, in the interest of justice.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim stay of all further proceedings in pursuance of impugned proceedings Rc.No.2109/2023-A, dt 30.01.2025, on the file of 3rd respondent; Pending disposal of WP 20980 of 2025, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI G V SHIVAJI Advocate for the Petitioner, and of GP FOR COOPERATION, for the Respondents, the Court made the following

ORDER:

Learned Assistant Government Pleader for Co-operation takes notice on behalf of respondents.

Heard the learned counsel for petitioner.

It is stated that the petitioner is a society registered under the Andhra Pradesh Co-operative Societies Act, 1964 (for short, 'the Act'). 3rd respondent herein, vide Order dated 30.01.2025, initiated an enquiry under Section 51 of the Act into the affairs of the District Co-operative Central Bank, in its branch at Yeleswaram, regarding the loans sanctioned and disbursed to the members of the petitioner society. Petitioner society preferred an appeal before 1st respondent against the order dated 30.01.2025 of 3rd respondent, ordering the enquiry. 1st respondent, vide Memo dated 04.03.2025, initially withheld the enquiry ordered by 3rd respondent. However, vide Memo dated 20.06.2025, 1st respondent vacated the stay granted vide Memo dated 04.03.2025. Challenging the Order dated 30.01.2025 passed by 3rd respondent and the Memo dated 20.06.2025 passed by 1st respondent, the present Writ Petition is filed.

The learned counsel for the petitioner submits that 3rd respondent-District Collector has no jurisdiction to order enquiry under Section 51 of the Act, and it is the Registrar, who is the competent authority under Section 34 (1) of the Act. Learned counsel further submits that no notice or opportunity has been given to the petitioner by 1st respondent while vacating the stay granted in the appeal preferred by the petitioner. The matter requires examination.

In view of the aforesaid facts and circumstances, there shall be interim stay of all further proceedings pursuant to the Order Rc.No.2109/2023-A, dated 30.01.2025 passed by 3rd respondent, for a period of four (04) weeks.

Post after two (02) weeks.

//TRUE COPY//

For ,

Sd/- K.TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Agriculture and Co-operation Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amravati, Guntur District. **(by Special Messenger)**
2. The Commissioner for Co-operation and Registrar of Co-operative Societies, Government of Andhra Pradesh, Tadepalli, Guntur District-522501.
3. The District Collector, Kakinada District.
4. The District Cooperative Officer, Kakinada District, Kakinada. **(Addressees 2 to 4 by RPAD)**
5. One CC to SRI. G V SHIVAJI Advocate [OPUC]
6. Two CCs to GP FOR COOPERATION, High Court of Andhra Pradesh: [OUT]
7. One spare copy

PSR

HIGH COURT

SRK,J

DATED:13/08/2025

NOTE: Post after two (02) weeks.

ORDER

WP.No.20980 of 2025

INTERIM STAY

