



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

**TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 20980 OF 2025

Between:

1. 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 Cooperation and Registrar of Cooperative Societies, Government of Andhra Pradesh, Tadepalli, Guntur District-522501.

3. The District Collector, Kakinada District.

4. The District Cooperative Officer, Kakinada District, Kakinada.

5. M/s The District Cooperative Central Bank Ltd, No.2351, rep by its Chief Executive Officer (C.E.O)., Office at Nagamalli thota, Kakinada, East Godavari District, Andhra Pradesh 533 003. R5 is impleaded as per the Court's Order dt.20.01.2026 in I.A.No.03 of 2025 in writ petition and affidavit.

...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 topleased 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 NO.2728965/COOPDCCB/18/2025-COOP-11, 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 CPC 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 the above writ petition

IA NO: 2 OF 2025

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 vacate the interim order dated 13-08-2025 in WP.No.20980/2025 and dismiss the Writ Petition and pass

IA NO: 3 OF 2025

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 implead the petitioner as the Respondent No.5 in the above Writ Petition in the interests of justice and pas

IA NO: 4 OF 2025

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 vacate the interim order dated 13.08.2025 in W.P.No.20980 of 2025 and pass

Counsel for the Petitioner: G V SHIVAJI

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

The Court made the following order:

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY**Writ Petition No: 20980/2025****O R D E R:**

The present Writ Petition is filed questioning the Memo No.2728965/COOP0DCCB/18/2025-COOP-II, dated 20.06.2025, passed by the Respondent No.1, wherein the Respondent No.1 vacated the interim order granted earlier without affording an opportunity to the Petitioner's Society to make his submissions as illegal and arbitrary.

2. The facts leading to this case are as follows:

The Petitioner is a Registered Society under the A.P. Cooperative Societies Act (for short, 'the Act'). While so, the District Collector, vide Proceedings in Rc.No.2109/2023-A, dated 30.01.2025, appointed an Enquiry Officer to examine the affairs of the Petitioner's Society with reference to the loan sanctioned and disbursed to the members of the Society under Section 51 of the Act.

3. Questioning the same, the Petitioner's Society filed a revision before the Respondent No. 1 under Section 77 of the Act. Initially, the Respondent No. 1, vide Proceedings dated 04.03.2025, directed the District Collector to withhold the enquiry under Section 51 of the Act pending further orders. Subsequently, vide the impugned Memo dated 20.06.2025, the Respondent No.1 vacated the interim order granted earlier and directed the District Collector to proceed with the enquiry under Section 51 of the Act without affording any opportunity to the Petitioner to make any submissions. Hence, the

present Writ Petition.

4. A Counter Affidavit was filed by Respondent No. 4, which primarily deals with the merits of the case of the Petitioner and that an amount of Rs. 62 crores has been misappropriated in the Petitioner's Society, and it is on that account the enquiry was ordered. However, there was no denial regarding the non-grant of opportunity to Petitioner before passing the impugned Order.

5. A Counter Affidavit was filed by the impleaded respondent No. 5, pointing out various irregularities in the Petitioner's Society.

6. Sri G.V. Shivaji, learned counsel for the Petitioner, submits that before passing the impugned Order dated 20.06.2025 by the Respondent No.1, no opportunity of hearing is provided to the Petitioner by the Respondent No.1 and seeks to set aside the impugned order on this ground alone.

7. Learned counsel for the Respondents submits that in view of the gravity of the allegations against the Petitioner's Society, an enquiry was ordered by the District Collector under Section 51 of the Act and the same need not be faulted.

8. Heard the learned respective counsel.

9. Questioning the enquiry initiated under Section 51 of the Act, the Petitioner's Society had filed Revision under Section 77 of the Act before the Respondent No.1. Initially, an interim order was passed restraining the further enquiry vide Orders dated 04.03.2025. Subsequently, the impugned Order dated 20.06.2025

came to be passed without hearing the Petitioner's Society. In the Counter Affidavit filed by the Respondents, this aspect of the issue was not specifically denied. In the absence of the same, this Court, without going into the allegations with regard to the Petitioner's Society, is inclined to set aside the impugned Memo, dated 20.06.2025, on the short ground.

10. Accordingly, the Writ Petition is allowed with the following directions:

i) The Impugned Memo dated 20.06.2025, passed by the Respondent No. 1 vacating the Stay granted in the Revision dated 30.01.2025, is set aside.

ii) The Respondent No. 1 shall consider the oral or written submissions of the Petitioner and pass appropriate orders in the revision within a period of two months from the date of receipt of a copy of this Order.

iii) There shall be no order as to costs.

As a sequel, the miscellaneous petitions, if any, pending in this Petition shall stand closed.

JUSTICE NYAPATHY VIJAY

Date: 21.04.2026

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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.20980 of 2025

Dated: 21.04.2026

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