

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

FRIDAY ,THE TWENTY SIXTH DAY OF SEPTEMBER

TWO THOUSAND AND TWENTY FIVE

**:PRESENT:
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**

WRIT PETITION NO: 26796 OF 2025

Between:

Goddeti Srinivasa Rao, S/o. G Venkateswarlu, Male, Aged about 53 years, Occ: Manager R/o. D. No. 2-163/A, Prathipadu Village Prathipadu Mandal, Guntur District

Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Agriculture and Co-operation Department Secretariat Buildings, Velagapudi, Amaravati, Guntur District
2. The Registrar of Cooperative Societies, D. No. 2/16/83, Skylark Towers, 11th Lane, Syamala Nagar, Guntur Guntur District
3. The District Co-operative Officer, Guntur District
4. The Deputy Registrar of Co-operative Societies, Tenali, Cum Surcharge Authority
5. The Divisional Co-operative Officer, Guntur Cum Enquiry Officer
6. The Injanampadu PACS Ltd, Injanampadu, Guntur District Rep. by its Chief Executive Officer

7. The Chinakondmpadu PACS Ltd, Chinakondmpadu, Guntur District,
Rep. by its Chief Executive Officer

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, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the impugned Surcharge Order in Surcharge Case No. 478/2024-C Dt. 03.07.2025 passed by the 4th Respondent against the Petitioner for recovery of an amount of Rs.28,56,827/- with interest thereon @18 percent per annum with effect from 01.04.2022 till the date of realization from the Petitioner herein under section 60 of Andhra Pradesh. Co-operative Societies Act, 1964 as illegal, arbitrary. without jurisdiction, in flagrant violation of the principles of natural justice, contrary to the provisions of Section 60 of Andhra Pradesh Cooperative Societies Act, 1964 biased, and inviolation of Article 14 of the Constitution of India, consequently set aside the impugned Surcharge Order in Surcharge Case No. 478/2024-C Dt. 03.07.2025.

IA NO: 1 OF 2025

Petition under Section 151 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 STAY all further proceedings pursuant to impugned Surcharge Order in Surcharge Case No. 478/2024-C Dt. 03.07.2025 passed by the 4th Respondent against the Petitioner, Pending disposal of WP 26796 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 PEDDIBHOTLA VENKATA SAI RAJESH Advocate for the Petitioner, GP

FOR COOPERATION for the Respondent Nos.1 to 5 and the Court made the following.

ORDER

“Learned Assistant Government Pleader for Cooperation submits that against the impugned surcharge order, the petitioner has got an efficacious alternative remedy of filing an appeal before the Tribunal, but without availing the said remedy, he approached this Court and filed the present Writ Petition.

On earlier occasion, this Court, in WP No.23751 of 2025, dated 09.09.2025, passed an interim order on the ground that surcharge proceedings cannot be taken against non employees or non office bearers or non members of the Society in respect of any irregularities that have taken place.

Learned counsel for the petitioner submits that during the course of inquiry, under Section 51 of the APCS Act, liability has been fixed as against the petitioner herein.

In view of the aforesaid facts and circumstances, there shall be interim stay of all further proceedings pursuant to the impugned surcharge order passed by 4th respondent against the petitioner in Rc.No.478/2024-C, dated 03.07.2025, for a period of six (6) weeks.

List the matter after four (4) weeks.”

SD/- SK. MOHD RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary Agriculture and Co-operation Department, The State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District. [By Special Messenger]

2. The Registrar of Cooperative Societies, D. No. 2/16/83, Skylark Towers, 11th Lane, Syamala Nagar, Guntur Guntur District
3. The District Co-operative Officer, Guntur District
4. The Deputy Registrar of Co-operative Societies, Tenali, Cum Surcharge Authority
5. The Divisional Co-operative Officer, Guntur Cum Enquiry Officer
6. The Chief Executive Officer, The Injanampadu PACS Ltd, Injanampadu, Guntur District
7. The Chief Executive Officer, The Chinakondmpadu PACS Ltd, Chinakondmpadu, Guntur District. (2 to 7 by RPAD)
8. One CC to SRI. PEDDIBHOTLA VENKATA SAI RAJESH Advocate [OPUC]
9. Two CCs to GP FOR COOPERATION ,High Court Of Andhra Pradesh. [OUT]
10. **One spare copy**

HIGH COURT

SRK,J

DATED:26/09/2025

LIST THE MATTER AFTER FOUR (4) WEEKS

ORDER

WP.No.26796 of 2025

INTERIM STAY

