

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION Nos.19340 AND 19987 OF 1996**

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**29.01.2007**

**W.P.No.19340 of 1996**

Between:

B.V.N.Malleswar Rao & others.

**.....  
PETITIONERS**

AND

The Commissioner for Co-operation & Registrar of Co-operative Societies, Govt of A.P., Gruhakalpa, Nampally, Hyderabad-49 & others.

**.....RESPONDENTS**

**W.P.No.19987 of 1996**

**Between**

V.Bhaskar Rao.

**.....  
PETITIONER**

AND

The Commissioner for Co-operation & Registrar of Co-operative Societies, Govt of A.P., Gruhakalpa, Nampally, Hyderabad-49 & others.

**.....RESPONDENTS**

**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION Nos.19340 AND 19987 OF 1996**

**COMMON ORDER:**

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In these writ petitions, the order impugned is the proceedings of the Joint Director of Agriculture, Kakinada, dated 06-09-1996 and the proceedings of the Collector and District Magistrate, East Godavari District, dated 21-08-1996.

In his proceedings dated 06-09-1996, the Joint Director of Agriculture, Kakinada, states that, in case, the petitioners did not feel the responsibility of finalizing the dues pending recovery from them, it would result in the entire issue being placed before the Commissioner and Director of Agriculture, Hyderabad, who will immediately initiate disciplinary proceedings as per CCA Rules.

While Sri M.V.Raja Ram, learned counsel for the petitioners, would seek to canvass on merits and contend that the petitioners are in no way concerned with the liability and that no action can be taken under the provisions of the Co-operative Societies Act, the impugned order dated 06-09-1996, merely provides that, in case, the petitioners do not make payments, disciplinary action be initiated. Needless to state that, in case, disciplinary action is initiated against them, it is always open for them to take all such defences, as are available to them in law, in such a departmental enquiry. This Court, in judicial review proceedings,

would not, ordinarily, examine various contentions urged on merits to issue directions against initiation of disciplinary proceedings, except where such initiation is without jurisdiction.

Insofar as the proceedings of the Collector and District Magistrate, East Godavari District, dated 21-08-1996 is concerned, it is an order sanctioning prosecution against various persons including the petitioners herein. While Sri M.V.Raja Ram, learned counsel for the petitioners, would contend that the District Collector does not have any power to sanction prosecution, the impugned order states that the District Collector had sanctioned prosecution in exercise of the powers delegated to him under G.O.Ms.No.2351, Food and Agriculture (Cooperative-IV) Department, dated 18-11-1967. Whether or not the District Collector has the power to sanction prosecution is a matter which does not necessitate examination at this stage for the bar under Section 197 Cr.P.C., on which reliance is placed by Sri M.V.Raja Ram, is to the Court taking cognizance of the offence without prior sanction. It is always open to the petitioners herein to raise all these pleas with regards District Collector not having the power to sanction prosecution at that stage.

Both the Writ Petitions are, as at present, premature and are accordingly dismissed. No order as to costs.

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