

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6761 of 2004

Between:

N. Chukkaiah, S/o. N. Lingaiah,
Potlapadu PACS, Medikondur Mandal, Guntur District.

..... PETITIONER

AND

- 1 The Deputy Registrar of Coop. Societies, Guntur, Guntur District.
- 2 The Sale Officer/Cooperative Sub-Registrar O/o The Deputy Registrar of
Coop. Societies, Guntur, Guntur District.
- 3 The Potlapadu PACS, Medikondur Mandal, Guntur District rep. by its
Chairman/PIC.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to the order made in M.A.No.139/2003 in O.A.No.158/2003, dated 28-1-2004 on the file of the A.P. Cooperative Tribunal, Vijayawada and the consequential proceedings in E.P.No.27/2002-03 including the proposed sale to be held on 8-4-2004 and quash the same as the same is highly illegal, arbitrary and violative of Art.14 and 16 of the Constitution of India.

Counsel for the Petitioner:MR.G.V.SHIVAJI

Counsel for the Respondents 1 & 2: GP FOR COOPERATION

Counsel for Respondent No.3: None appeared

The Court made the following Order:

Heard both the learned counsel and at their request, the writ petition itself is taken up for disposal.

Admittedly, the substantive appeal in O.A.No.158 of 2003 filed against the impugned orders of surcharge is pending on the file of A.P. Co-operative Tribunal, Vijayawada. Since no interim orders are granted pending appeal, the petitioner approached this Court. This Court while admitting the writ petition granted interim orders on 7-4-2004 subject certain conditions. It is represented that the petitioner had already complied the said conditions. In view of the same, it is not necessary to go into the merits of the case. Suffice to direct the A.P. Co-operative Tribunal, Vijayawada to dispose of the appeal pending on its file.

Writ petition is accordingly disposed of directing the A.P. Cooperative Tribunal, Vijayawada to dispose of the appeal within a period of one month from the date of receipt of a copy of this order. It is needless to mention that pending appeal, the interim orders granted by this Court shall continue. No costs.

30—09—2004.

Stv/-

To

- 1 The Deputy Registrar of Coop. Societies, Guntur, Guntur District.
- 2 The Sale Officer/Cooperative Sub-Registrar O/o The Deputy Registrar of

Coop. Societies, Guntur, Guntur District.

3 Two C.Cs. to the Government Pleader for Cooperation, High Court Buildings, A.P. Hyderabad (OUT).

4 The Chairman/PIC, The Potlapadu PACS, Medikondur Mandal, Guntur Dist.

5 Two C.D.Copies.