

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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WRIT PETITION No.13564 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed seeking to declare the action of respondent No.1, in not processing the cheque petition filed by the petitioner, as illegal and arbitrary.

It is the case of petitioner that respondent No.2 filed a case in C.C.No.26 of 2013 on the file of A.P. State Consumer Disputes Redressal Commission, Hyderabad, against him/opposite party No.2 and two others/opposite party Nos.1 and 3 alleging deficiency in service in constructing the flats. The State Commission has passed order, dated 27.12.2013, directing the opposite parties to refund an amount of ` 37,00,000/- (Rupees thirty seven lakhs) received by them as sale consideration along with interest at 10.70% per annum with a further direction to pay an amount of Rs.1,50,000/- towards stamp duty and registration charges, Rs.1,50,000/- towards wood work and to pay costs of Rs.10,000/-. The State Commission has also directed that on such payment, respondent No.2 shall execute sale deed in favour of the opposite parties after getting released the subject flat from L.I.C. Housing Finance Limited. Aggrieved by the same, respondent No.2 filed First Appeal No.118 of 2014 before the National

Consumer Disputes Redressal Commission, New Delhi. The National Commission, by order, dated 23.04.2014, confirmed the order, dated 27.12.2013, passed by the State Commission. In compliance to the directions of the State Commission, petitioner has deposited the amount, but as respondent No.2 failed to execute the document as per the order, dated 27.12.2013, petitioner along with other two opposite parties filed I.A.No.1982 of 2014 before the A.P. State Consumer Disputes Redressal Commission, Hyderabad, to return the amount and such application was allowed on 07.10.2014 with a direction to return the amount to the opposite parties.

In this Writ Petition, it is the grievance of the petitioner that to receive the amount deposited by him, he has filed a cheque petition before respondent No.1, but the same is not processed yet.

When the matter came up for hearing on 18.06.2015, this Court observed that the Writ Petition is filed only by opposite party No.2 and other two opposite parties were not impleaded as party petitioners to the Writ Petition and as such, learned counsel for the petitioner has submitted that he would file affidavits of other two opposite parties stating that they have no objection to return the amount to the petitioner, inasmuch as the amount was deposited by the petitioner. The affidavits of the said two opposite parties are placed on record. From a

perusal of the aforesaid affidavits, it is clear that the other two opposite parties have no objection to issue pay order or demand draft in favour of the petitioner in respect of the amount deposited by him before the State Commission along with the interest accrued thereon.

In that view of the matter and as it is not in dispute that the cheque petition is pending before respondent No.1 and it is to be processed and orders have to be passed, we deem it appropriate to dispose of the Writ Petition with a direction to respondent No.1 to process the Cheque Petition filed by the petitioner and pass appropriate orders in accordance with law within a period of four weeks from today.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J
July 03, 2015
MD