

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH  
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF APRIL

TWO THOUSAND AND FIFTEEN

PRESENT

**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

**WRIT PETITION No.10127 of 2015**

**BETWEEN**

Shivaratri Ramulu and others.

**... PETITIONERS**

**AND**

Andhra Pradesh Cooperative Housing Societies Federation Limited, Rep. by its Managing Director, Hyderabad and two others.

**...RESPONDENTS**

**Counsel for the Petitioners: MR. KOWTURU VINAY KUMAR**

**Counsel for the Respondents: MR. MATURI ARAVIND**

**The Court made the following:**

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**ORDER:**

Petitioners claim to be owners of 3 acres of land in Sy.No.88 of Gundlapally village, Yadagirigutta Mandal, Nalgonda District.

It appears that the first respondent obtained awards in execution petitions filed against various borrowers and a tender cum auction notice was issued on 17.03.2015 by the recovery officer of the first respondent. Petitioners claim that since their lands are proceeded against in the said auction, they have filed the present writ petition.

2. Petitioners assert in the affidavit and it is also contended by the learned counsel for the petitioners that the petitioners are neither borrowers nor guarantors nor are anyway concerned with the borrowers or guarantors nor are anyway concerned with the decree and the execution by the first respondent against the said borrowers or guarantors. Petitioners also claim that they are absolute owners of their lands having inherited through their ancestors. Petitioners also state that they have no objection for the decree to be executed against the property and the persons against whom it is passed, but the first respondent cannot proceed against them, as they are unconnected with the said decree.

3. As on now it is not clear as to which are the survey numbers, which are proposed to be proceeded against in the tender cum auction notice, as no survey number is mentioned in the notice.

Learned standing counsel for the respondents states that auction, accordingly, was conducted on 24.03.2015. Petitioners also state that they have filed objections before the first respondent.

4. However, in view of the remedy available to the petitioners to file claim petitions under Rule 52(25) of the Rules framed under the A.P. Cooperative Societies Act and it is only by the process of claim petitions that their independent claim with regard to the property asserted by them can be established, the petitioners are at liberty to approach the

competent authority and file their appropriate claim petitions asserting their rights and if such claim petitions are filed, the same shall be considered in accordance with law. For a period of three (3) weeks from today, therefore, no sale certificate in pursuance of the tender cum auction notice shall be issued by the first respondent in favour of any purchaser, within which time the petitioner is at liberty to seek appropriate interim relief from such an authority as mentioned above.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J

April 9, 2015

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