

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.11933 OF 2015

DATED:11-06-2015

Between:

R.V. Subba Rao ... Petitioner

And

The State of Andhra Pradesh

Rep. by its Principal Secretary

Co-operation, Secretariat

Hyderabad

and others

... Respondents

COUNSEL FOR THE PETITIONER: S. Appadhara Reddy

COUNSEL FOR RESPONDENT Nos.1 to 2: A.G.P. for Co-operation (AP)

COUNSEL FOR RESPONDENT No.3 :-

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a *Mandamus* to set aside the notice of attachment dt.22.9.2014 under Rule 52 of the Andhra Pradesh Co-operative Societies Rules, 1964, of respondent No.2.

The petitioner, who was Secretary of respondent No.3 – society, was allotted plot

No.34 admeasuring 760 Sq.yards, in Vatluru Village, West Godavari District, on 22.7.1978. In pursuance of the said allotment, respondent No.3 has executed a registered sale deed on 14.12.1979. Thereafter, respondent No.3 has filed a petition before respondent No.2 for cancellation of the allotment made to the petitioner. Respondent No.3 has set aside the allotment made in favour of the petitioner to the extent of 380 Sq.yards only with certain directions. Feeling aggrieved by the said Award, both the petitioner as well as respondent No.3 have filed O.A. Nos.62 and 136 of 2003 respectively before the Andhra Pradesh Co-operative Tribunal, at Vijayawada. By its judgment dt.7.4.2004 the Tribunal dismissed the petitioner's O.A. and allowed the O.A. filed by respondent No.3 with the direction that the entire plot shall be put to auction. Assailing the said judgment, the petitioner filed Civil Revision Petition Nos.2623 and 2630 of 2004 before this Court. By order dt.20.9.2010 this Court dismissed both the civil revision petitions. As the order of the Co-operative Tribunal has attained finality, respondent No.2 has issued the impugned notice of attachment in the E.P. filed by respondent No.3. This notice is assailed in the writ petition.

After hearing Mr. S. Appadhara Reddy, learned counsel for the petitioner, I am of the opinion that the petitioner has not made out any case for interference with the impugned notice of attachment. As the adjudication relating to legality or otherwise of the allotment of the plot in favour of the petitioner went against the petitioner and the same has attained finality, the logical consequence of the result of the adjudication is implementation of the judgment of the Tribunal. Therefore, in execution of the said judgment of the Tribunal, respondent No.2 has issued the impugned notice. Hence, I do not find any illegality or jurisdictional error in the said notice warranting interference in exercise of jurisdiction of this Court under Article 226 of the Constitution of India.

The writ petition is therefore dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.15763 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

11-6-2015

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