

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.30751 of 2015

ORDER:

Heard the learned counsel for petitioners and the learned Standing Counsel for respondents.

2. The petitioners claim to be small farmers and residents of Gundlapally Village, Yadagirigutta Mandal, Nalgonda District. It appears that third parties took loan from the third respondent by mortgaging the lands of the petitioners without their knowledge. When the second respondent and other officials came to the lands on 24.03.2015, the petitioners came to know about the same and also learnt that the lands were already auctioned. In those circumstances, they filed W.P.No.10127 of 2015 and the same was disposed of on 09.04.2015 giving liberty to the petitioners to file claim petition under Rule 52 (25) of the Rules framed under the A.P.Cooperative Societies Act and the respondents were restrained from issuing the sale certificate for a period of three weeks. Now the fourth respondent passed an order in Claim Petition No.2 of 2015 on 24.08.2015 dismissing the application filed by the petitioners. Challenging the same, the present writ petition is filed.

3. This Court is not inclined to interfere with the impugned order in the present writ petition in view of the availability of alternative remedy, which the learned counsel for the petitioners seeks to avail, but seeks indulgence of this Court to restrain the respondents from issuance of sale certificate in the meanwhile.

4. In the circumstances, this writ petition is disposed of directing respondents 2 to 4 not to issue sale certificate for a period of four weeks from today and liberty is given to the petitioner to take appropriate steps in the competent Court/Tribunal for challenging the order dated 24.08.2015 passed by the fourth respondent. No order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 21.09.2015

Note: Issue CC by 22.09.2015

B/o. TJMR