

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.33255 of 2015

Between:

Jani Naga Raju.

....Petitioner

and

State of Andhra Pradesh,

Rep.by its Principal Secretary,

Agriculture and Cooperation Department,

Secretariat, Hyderabad,

And others.

....Respondents

JUDGMENT PRONOUNCED ON : 09.10.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers : Yes

may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No

Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.33255 of 2015

ORDER:

The petitioner claims to be a member of the fourth respondent Society, which executed a sale deed in his favour on 13.08.1990 in respect of plot No.48 admeasuring 289 square yards in Survey No.84 of China Mushidiwada Village and Panchayat, Visakhapatnam District. He alienated the said property in favour of one Sri Pilla Ravi Kumar by way of a registered agreement of sale and power of attorney by document bearing No.122, dated 22.10.2007. While so, the fourth respondent filed a petition under Section 61(1)(a) to (d) of the Andhra Pradesh Cooperative Societies Act seeking cancellation of agreement of sale cum GPA executed in favour of the third party after a period of six years of alienation. The petitioner filed I.A.No.3 of 2015 seeking dismissal of the said proceedings as vexatious, not maintainable either in law or on facts and hit by limitation. The said application was closed on 30.05.2015 by holding that the application was filed at the cross examination stage and it would be decided at the time of final hearing along with the main arbitration. The present Writ Petition is filed challenging the jurisdiction of the third respondent in entertaining the Arbitration Case No.7 of 2013 filed by the fourth respondent and also the order dated 30.05.2015 received on 16.09.2015.

This Court carefully perused the affidavit filed in I.A.No.3 of 2015 and the order passed by the third respondent on 30.05.2015 and heard the learned Counsel for the petitioner.

Even as per the contentions of the learned Counsel for the petitioner, the third respondent does not lack any jurisdiction to entertain the Arbitration Case No.7 of 2013, and in that view of the matter, the entertainment of the Arbitration Case by the third respondent cannot be interdicted. Since in the present I.A.No.3 of 2015, the third respondent passed an order for taking up the matter along with the main case, this Court sees no reason to interfere with the said order also.

In view of the above, the Writ Petition is dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

09.10.2015

vs

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