

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.14179 of 2016

ORDER:

A notice of sale dated 30.11.2012 issued in Form-8 under Rule 52(11)(e) of the Andhra Pradesh Cooperative Societies Rules, 1964 (for short 'Rules'), for auction of agricultural land in Sy.Nos.1047, 1048 and 1051 of Vinduru Village, Gudur Mandal, Nellore District, collection of Rs.3,80,593/- on the basis of sale certificate issued on 30.11.2012, is questioned in this writ petition.

In as much as, Rule 52 of Rules is a comprehensive Code in relation to the execution proceedings for enforcement of the decree/certificate, which has been issued under the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act'), I am not inclined to set aside the notice. However, considering the fact that the agricultural land of Ac.9.93 cents is sought to be auctioned for a sum of Rs.3,80,593/- even assuming that the said amount is due, the Exhibiting Authority is required to consider requirement of auctioning the entire land. In as much as this can be done only when the petitioner makes an objection, the liberty is given to the petitioner to approach the Registrar and file objections as provided under Rule 52.

As the auction is scheduled to be held on 09.05.2016, on the condition of the petitioner depositing a sum of Rs.50,000/- (Rupees Fifty thousand only) along with objections within one week from the date of

receipt of a copy of this order and another sum of Rs.50,000/- within 15 days thereafter, there shall be stay of all further proceedings pursuant to the auction notice dated 30.11.2012, till the disposal of objections by

the Registrar.

With the above observations and directions, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any filed in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

Date:26-04-2016
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