

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

[Special Original Jurisdiction]

TUESDAY THE TWENTYTHIRD DAY OF FEBRAURY
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 11021 OF 2012

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Between:

The Citizen Co-operative Society,
Rep.by Loan Officer/Manager,
Sri Lakshmi Nagar colony, Saidabad
Hyderabad

... Petitioner

Vs.

Ch. Balaiah

... Respondents

Counsel for the Petitioner:

Sri K. Purshotham

Counsel for the Respondent:

Sri GBSS Papa Rao
GP for Co-operation

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 11021 OF 2012

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ORDER:

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The petitioner prays for the following prayer in the instant writ petition:

“To issue a writ or order or direction more particularly in the nature of writ of mandamus declaring the action of respondent without following the due process of law as laid down in the State of the Multi State Co-operative Societies Act, 2002 by auction notice of the gold loan Account Nos. 919923, 919924, 919925, 920039, 920459 all are dated 09/04/2012 as the same is illegal, arbitrary, unconstitutional, contrary to law, without jurisdiction against the principles of natural justice”

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2. The respondent contends that the writ petition is not maintainable and the petitioner can avail the statutory remedy of appeal under section 84 of Multi State Co-operative Societies Act, 2002. The learned counsel for the respondent draws attention of the Court to the orders passed in WP.No.12244 of 2012 dated 30/12/2015.

3. Sri K. Purshotham appearing for petitioner submits that the writ petition can be disposed of in terms of the said order and permitted to avail the remedy of appeal.

4. The writ petition is disposed of by giving liberty to the petitioner to avail the remedy of appeal under section 84 of the Act and an appeal is filed within four weeks from the date of receipt of a copy of this order before the appellate authority. If an appeal is filed as permitted through this order, the appellate authority considers the condoning delay by reference to section 14 of the Limitation Act.

5. The writ petition is disposed of. No order as to costs.

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

JUSTICE S.V. BHATT

23/02/2016
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HONOURABLE SRI JUSTICE S.V. BHATT

