

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.8292 and 8297 of 2007

COMMON ORDER:

These two writ petitions are being disposed of by this common order, since they are filed against the same Society.

W.P.No.8292 of 2007

The petitioner states that he owns small extent of land in Doramamidi Village and the same is not having any irrigation facilities. Though he obtained loan from respondent No.3-Doramamidi Primary Agriculture Co-operative Society Limited, he could not repay the same due to loss of crops and other financial conditions. When the land was sought to be put for auction by making tom tom in the Village on 16.04.2007 proposing to conduct an auction on 20.04.2007 and 21.04.2007, the petitioner approached this Court by filing the present writ petition.

A counter-affidavit is filed by respondent No.3 stating that the petitioner obtained loan of Rs.18,000/- on 01.06.2000 and it became due on 31.05.2001. As the petitioner did not pay the amount, Respondent No.3 approached respondent No.1-General Manager, District Cooperative Central Bank Limited, who issued a certificate under Section 71 of the A.P. Cooperative Societies Act, 1964 for an amount of Rs.22,045/-. The said certificate was served on the

petitioner on 13.02.2002. Respondent No.1 authorized the Sale Officer to execute E.P.No.5504/2002-2003 for an amount of Rs.26,151/-, including interest as on that date. Form-6 notice was issued to him and the petitioner acknowledged the same on 12.02.2007. As on 15.04.2007, the petitioner was due of an amount of Rs.42,162/-. The Society is running in losses to the tune of Rs.20,00,000/-. Though the petitioner had an alternative remedy, he approached this Court and obtained interim stay.

This Court, by order, dated 19.04.2007, granted interim stay of all further proceedings on condition of the petitioner depositing half of the amount within six weeks. It is submitted by the learned counsel for the petitioner that pursuant to the said interim order, half of the amount was deposited and the remaining amount along with subsequent interest is due as on today.

As respondent No.3-Society is running in losses, no indulgence can be shown to the petitioner. In the circumstances, this Court finds no reason to grant relief as sought for in the writ petition.

The writ petition is accordingly dismissed.

W.P.No.8297 of 2007

This writ petition was filed challenging issuance of notice in Form-6 by respondent No.3-Society.

Though this Court by order, dated 19.04.2007, granted interim stay of all further proceedings on condition of the petitioner depositing half of the amount demanded in the notice, within six weeks and in default, the stay would be automatically vacated, the petitioner did not pay the said amount. The amount due from the petitioner as per the execution proceedings was Rs.28,920/- including interest as on that date. The outstanding amount as on 15.04.2007 was Rs.51,550/-.

In view of the non-compliance of the interim order, dated 19.04.2007, and in the absence of any technical ground raised in the writ petition, this Court sees no ground to grant any relief to the petitioner.

The writ petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:27.10.2016

kdl

