

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.19562 of 2006

ORDER:

No representation for writ petitioner. Heard learned Assistant Government Pleader.

2. The petitioner prays for Mandamus declaring the action of the second respondent in issuing Form No.9 dated 06.09.2006 in EP.No.35/2004-05 concerning property No.4-104/1 at Ganapavaram village, Nadendla Mandal, Guntur District for realization of decretal amount as illegal, arbitrary and without jurisdiction.

3. On 20.09.2006 in WPMP.No.24676 of 2006, in view of the averments made in the writ affidavit, this Court directed the petitioner to file a claim petition under Rule 52(21) of the A.P. Cooperative Societies Rules before the Deputy Registrar concerned. On such petition being filed within two weeks from 20.09.2006 shall be entertained and disposed of within four weeks thereafter. Till such time, the impugned order shall not be given effect to.

4. Respondents 1 and 2 filed WVMP.No.402 of 2008 seeking vacation of the order dated 20.09.2006. The relevant portion of the counter affidavit reads as follows:

"I humbly submitted that the Hon'ble High Court of A.P., Hyderabad had issued order directing the petitioner to file a claim petition. Under rule 52(21) of the Coop. Societies Act before the Deputy Registrar of Coop. Societies concerned.

On such petition being filed within two weeks from today shall be entertained and disposed of within four weeks thereafter.

Till such time the impugned order shall not be given effect to.

Accordingly, petitioner filed a claim petition before the Deputy Registrar of Coop. Societies, Narasaraopet. Therefore the Deputy Registrar of Coop. Societies, Narasaraopet had issued disposed order on 10-11-2006. Stated that the proceedings of the E.P. are stopped and the ODEP.No.3/2004-2005 is retransmitted to the Deputy Registrar of Coop. Societies, Guntur who is the original authority who passed the surcharge order and entertained the

E.P.No.35/04-05.

As per direction of the Hon'ble High Court, appropriate rules were passed by the Deputy Registrar of Coop. Societies, Narasaraopet on 10-11-2006 by stopping further proceedings of E.P and accordingly to O.D.E.P.No.3/2004-2005 has been retransmitted to the Deputy Registrar of Coop. Societies, Guntur who has passed the original surcharge order."

5. From the above, it is evident the petitioner availed the remedy of presenting a claim for adjudication and that was considered and disposed of by the Deputy Registrar of Cooperative Societies and the EP was transferred to the appropriate authority for realization of the decretal amount. With the filing of the claim petition and disposal by the authority, the main relief in the writ petition cannot be considered by this Court at this point of time. In view of the above, there are changed circumstances and if at all the petitioner is aggrieved by the order disposing of the claim petition, the petitioner has to work out independent remedies.

The writ petition is dismissed as cause in the writ petition does not survive. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

March 31, 2016
DSK