

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.18190 of 2017

ORDER:

Heard both sides. With the consent of both parties, the writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of first respondent i.e., the District Scheduled Caste Service Cooperative Society Limited, Kurnool, represented by its Executive Director, in retaining the mortgage deeds and bonds belonging to the first petitioner admeasuring Acs.1.52 guntas in Survey No.47/18 and second petitioner admeasuring Acs.1.52 guntas in Survey No.47/16 situated at Pedapadu Village, Kallur Mandal, Kurnool District, as illegal and arbitrary.

3. It is the case of the petitioners that the inaction on the part of respondents in issuing clearance certificates, inspite of the loans of petitioners having been waived with interest, is illegal and arbitrary.

4. It is represented by the learned counsel for the petitioners that the issue involved in the present writ petition has already been adjudicated by this Court in W.P.No.24590 of 2015, vide order dated 13.11.2015 and this matter is squarely covered by the said order. The same is not disputed by the counsel appearing for respondents.

5. It is to be noted that in similar circumstances, this Court in W.P.No.24590 of 2015, while allowing the writ petition, held as under:

“Therefore, the writ petition is allowed and it is declared that the third respondent is not entitled to withhold the mortgage deeds/ bonds of petitioners’ properties after the loans of petitioners have been waived by first respondent. Consequently, the third respondent is directed to forthwith release the mortgage deeds/ bonds to petitioners by issuing clearance certificates to the fourth respondent. No order as to costs”.

6. Having regard to the above, the writ petition is allowed declaring that the first respondent is not entitled to withhold the mortgage deeds/ bonds of the petitioners’ property, after the loans of the petitioners being waived by the second respondent. Consequently, the first respondent is directed to forthwith release the mortgage deeds/ bonds to petitioners by issuing clearance certificates to the fourth respondent.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

28th June, 2017
vhb