

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.25382 and 25392 of 2017

COMMON ORDER:

These two Writ Petitions are being disposed of by this common order as the relief sought in both the cases is the same.

The petitioners challenge the return of claim petitions filed on 05.06.2017 in C.E.P.No.5/2016-17 arising out of Award No.26/16-17 by the second respondent. The case of the petitioners is that the fourth respondent obtained loan from the third respondent and committed default in payment of installments. The property was brought to auction in C.E.P.No.5/2016-17 in Award No.26/16-17. The entire proceedings of award took place behind the back of the petitioners. The petitioners claim the land now sought to be auctioned which is situated in Kovvur Village and Mandal in West Godavari District. In those circumstances, they filed the claim petitions. But the claim petitions were returned without assigning any reason.

Learned Counsel appearing for the third respondent submits that the claim petitions were returned as they did not fulfill the requirements and were filed under wrong provision of law.

It is not a case of rejection of claim petitions, but it is a case of return of the claim petitions. In view of the same, liberty is given to the petitioners to resubmit the claim petitions within a period of one week from the date of receipt of a copy of this order, and on such resubmission, the second respondent is directed to consider and dispose of the same in accordance with law within a period of two months thereafter. If the petitioners do not file the claim petitions, it is open to respondent Nos.1 to 3 to proceed with regard to the property in accordance with law and in case the petitioners resubmit the claim petitions, the property now sought to be auctioned cannot be put to auction without disposing of the claim petitions as aforesaid.

The Writ Petitions are, accordingly, disposed of. The miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

01.08.2017
Vs