

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18541 OF 2007

ORDER:

Heard learned counsel for the petitioner as well as Sri K.V. Seshgiri Rao, learned Standing Counsel for the District Cooperative Central Bank Limited, Kakinada.

This Writ Petition is filed to declare the action of the 1st respondent in putting to sale the lands in occupation of the petitioner and the other scheduled tribes as their ancestral property, in an extent of Acs.10.00 in Survey No. 14/12, Acs.10.00 in Survey No.1, Acs.20.00 in Survey No. 20, Acs.6.45 cents in Survey No.9, Acs.2.10 cents in Survey No. 16, Acs.10.00 in Survey No. 19, Acs.10.00 in Survey No.22 and Acs.10.00 in Survey No. 21 of Rampachodavaram Village under the sale notices dated 04.06.2007 and 07.06.2007 in satisfaction of the dues of Respondents 2 to 7, as illegal and arbitrary.

The petitioner claims that the land, which was mortgaged by Respondents 2 to 7 in favour of the District Cooperative Central Bank Limited, Kakinada cannot be put to auction, in view of the provisions in Andhra Pradesh Scheduled Areas Land (Transfer) Regulations, 1959, as amended by Regulation 1 of 1970.

On the last occasion, i.e. on 28.06.2017, this Court directed the learned Standing Counsel for the 1st respondent District Cooperative Central Bank Limited to obtain instructions as to the status of the monies borrowed by Respondents 2 to 7.

Today, learned Standing Counsel has placed on record the instructions received from the respondent bank which state that

the auction proposals in respect of the subject property have been dropped.

In view of the same, it is not necessary for this Court to enter into the contentious issue 'whether the lands in scheduled areas can be put to auction by the banks, in exercise of their right created in terms of the mortgage'. Hence, leaving it open to the parties concerned to agitate the same in an appropriate proceedings, the Writ Petition is closed.

Consequently, the miscellaneous Applications, if any shall stand closed.

12th July 2017

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CHALLA KODANDA RAM, J

