

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON'BLE MS JUSTICE J.UMA DEVI**

**Writ Appeal No.940 of 2017**

**JUDGMENT:** (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the Learned Single Judge in W.P.M.P. No.25781 of 2017 in W.P. No.20970 of 2017 dated 28.06.2017. The appellant is the 5<sup>th</sup> respondent in the writ petition. The 1<sup>st</sup> respondent herein filed the writ petition questioning the action of respondents 1 to 4 in the writ petition in issuing proceedings dated 30.05.2017, the proceedings of the 2<sup>nd</sup> respondent dated 17.06.2017, and the proceedings of the 3<sup>rd</sup> respondent in their letter dated 22.06.2017 allotting and putting in possession the appellant herein in a part of the private property of the writ petitioner by name APNGO Home/APNGO Bhavan premises No.5-9-1112, Gunfoundry, Hyderabad, as arbitrary and without jurisdiction.

It is not in dispute that a substantial number of members of the appellant-association are also members of the 1<sup>st</sup> respondent-association. It does appear, *prima facie*, that the official respondents were not justified in issuing the impugned memo dated 30.05.2017, whereby the District Collector, Hyderabad was requested to direct the concerned officer to ensure and settle the issue for providing accommodation to the appellant-association in the APNGO Home/APNGO Bhavan, Hyderabad or the District Collector in issuing proceedings dated 17.06.2017 directing the Revenue Divisional Officer to ensure and settle the issue of providing accommodation or the Revenue Divisional Officer in issuing intimation vide letter dated 22.06.2017 stating that the premises would be divided for sharing of both the organisations. The Learned Single Judge cannot, therefore, be said to have committed any error in suspending the impugned memo.

Sri A. Sudershan Reddy, learned Senior Counsel appearing on behalf of the appellant-association, would submit that the appellant is merely seeking parity with all the other members of the APNGO's association, pending disposal of the writ petition; the appellant would voluntarily, and on its own accord, remove the name boards of the Bhagyanagar Telangana Non-Gazetted Officers' Association in all the rooms within the subject premises; they would remove the locks in all the rooms under their occupation; and they only request that they be treated on par with all the other members of the 1<sup>st</sup> respondent-association.

Sri Vedula Venkata Ramana, learned Senior Counsel appearing on behalf of the 1<sup>st</sup> respondent-association, would contend that the members of the appellant-association have failed to pay their subscription and they are, therefore, not entitled to continue as members of the 1<sup>st</sup> respondent-association. On the other hand Sri A. Sudershan Reddy, learned Senior Counsel, who would submit that, though the members of the appellant-association were ready and willing to pay their subscription fees, it is the 1<sup>st</sup> respondent which has refused to receive the same.

It is wholly unnecessary for us to examine these contentions, as the writ petition is still pending on the file of this Court. The fact, however, remains that, as long as such as those members of the appellant-association who are also members of the 1<sup>st</sup> respondent association, continue to remain members of the 1<sup>st</sup> respondent-association, they are entitled to be treated on par with all the other members of the 1<sup>st</sup> respondent-association, more so since the erstwhile Government of Andhra Pradesh had provided substantial amount as aid to the 1<sup>st</sup> respondent-association.

While Sri A. Sudershan Reddy, learned Senior Counsel, would contend that the aid provided by the erstwhile Government of Andhra Pradesh was around Rs.1.00 crore, Sri Vedula Venkata Ramana, learned Senior Counsel, would submit that what was granted by the erstwhile Government of Andhra Pradesh was only a loan of Rs.25 lakhs, and not a grant.

When we asked Sri Vedula Venkata Ramana, learned Senior Counsel, whether the said loan has been repaid even in part, learned Senior Counsel admits that no part of the loan amount has been repaid till date. It is evident, therefore, that not a single rupee provided as aid (be it as a loan or as a grant) has been repaid to the State Government till date. As the building has been constructed with the aid of funds received from the State Government, and a substantial number of members of the appellant-association continue to remain members of the 1<sup>st</sup> respondent-association, we direct that the name boards placed by the appellant-association in the premises of the 1<sup>st</sup> respondent shall be removed forthwith, the locks which they have placed on the rooms shall also be removed, and the keys handed over to the President of the 1<sup>st</sup> respondent-association. The members of the appellant-association shall also pay the entire arrears of subscription fee within one week from today to the 1<sup>st</sup> respondent-association. On such payment all those members of the appellant-association, who are also members of the 1<sup>st</sup> respondent-association, shall be extended the same treatment/facility as is being extended to other members of the 1<sup>st</sup> respondent-association with regards utilisation of the subject premises. It is made clear that, since the main writ petition is still pending before the Learned Single Judge, the order now passed by us shall remain in force till the Writ Petition is finally disposed of.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

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**(RAMESH RANGANATHAN, ACJ)**

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**(J.UMA DEVI, J)**

31<sup>st</sup> July, 2017  
JSU



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**Date: 31.07.2017**

**JSU**