

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION Nos.1318 & 7850 of 2018

COMMON ORDER:

Since these two Writ Petitions are inter-related, this Court deems it appropriate to dispose of them by way of a common order.

Petitioner in W.P.No.1318 of 2018 is the fifth respondent in W.P.No.7850 of 2018 and vis-à-vis. The alleged interference of the official respondents, more particularly the third respondent, is the complaint in W.P.No.1318 of 2018.

The action of the fifth respondent, in starting construction work in plot No.489 situated at Manikonda Jagir Village, Rajendranagar Mandal, Ranga Reddy District is the grievance of the petitioner in W.P.No.7850 of 2018.

Earlier, the petitioner in W.P.No.7850 of 2018 filed W.P.No.42820 of 2017, impleading the petitioner in W.P.No.1318 of 2018 as the fifth respondent, making allegations against the fourth respondent therein, of the creation of sham documents in favour of the fifth respondent. This Court, by way of an order, dated 18.12.2017, disposed of the said Writ Petition, keeping it open for the petitioner therein, who is the petitioner in W.P.No.7850 of 2018, to avail the alternative remedy available under law. Subsequently, the

petitioner in W.P.No.7850 of 2018 filed an application before the District Cooperative Officer, Rangareddy District under Section 61 of the Cooperative Societies Act, 1964 (for brevity, 'the Act') showing the petitioner in W.P.No.1318 of 2018 as the second respondent and the Cooperative Housing Society as the first respondent, praying for passing an award to declare him as the absolute owner of plot No.489. It is also informed by the learned counsel for the petitioner in W.P.No.7850 of 2018 that, subsequently, the petitioner filed an Interlocutory Application seeking an order of *status quo* with regard to the subject plot.

In W.P.No.1318 of 2018, on instructions, it is submitted by the learned Government Pleader for Cooperation that the third respondent is not interfering with the subject plot and the said submission is recorded. Since the issue is admittedly pending before the Arbitrator under Section 61 of the Act and the petitioner in W.P.No.7850 of 2018 has already filed an application for an interim order, this Court deems it appropriate to dispose of the Writ Petition, keeping it open for the parties to pursue their claims before the Arbitrator under Section 61 of the Act.

Accordingly, both the Writ Petitions are disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions in these Writ Petitions, if any, shall stand closed.

04th April, 2018
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A.V.SESHA SAI,J

