

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.5632 OF 2018

ORDER:

The present writ petition is filed seeking a writ of Mandamus questioning the auction proceedings vide notification dated 04.01.2018 issued by the second respondent.

2. Heard both sides and perused the material on record.

3. The grievance of the petitioner is that he is the owner of the land in Sy.Nos.147, 151, 158-4 and 160 admeasuring Ac.1.34 cents, 0.02, 0.11 and 0.24 cents, situated at Mirthivalasa village, Ramabhadrapuram mandal, Vizianagaram District. The auction is proposed to be conducted to collect the alleged dues to the Chemudu Primary Agricultural Cooperative Society, Salur Mandal, Vizianagaram District and in relation to one Majji Ramesh Naidu, S/o.Sathyam Naidu, Mirthivalasa village, Kottakki post, Ramabhadrapuram mandal, Vizianagaram District. The petitioner has nothing to do with the said Majji Ramesh Naidu and the proposed lands which are sought to be brought to auction are ancestral property of the petitioner and the said Majji Ramesh Naidu has nothing to do with the properties. Stating all these aspects and how in what circumstances the properties can be brought to sale, petitioner asserts that he filed an application before the second respondent invoking Rule 52 of A.P. Cooperative Societies Rules, which is yet to be adjudicated. Without

adjudicating, the auction is proposed to be held on 19.02.2018.
Hence, the present writ petition.

4. The learned Government Pleader has placed on record the written instructions from the Divisional Cooperative Officer, Parvathipuram.

5. As per the instructions, considering the objections raised by the petitioner under Rule 52 (21), the respondents are proposing to conduct enquiry with regard to the claim of the petitioner, the auction has been postponed. In those circumstances, it is submitted that the writ petition is pre-mature and the cause of action does not survive.

6. In the light of the developments which have taken place and the respondents themselves have already agreed to enquire into the claim of the petitioner and considering the fact that the auction is already been postponed, the writ petition is closed leaving it open to the petitioner to avail his legal remedies available at relevant point of time. No order as to costs. Miscellaneous petitions pending, if any, in this writ petition, shall stand closed.

JUSTICE CHALLA KODANDA RAM

21.02.2018
Pns.

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM



21.02.2018

Fns