

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.26626 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records pertaining to the order of the 2nd respondent dated 15.6.2003 in ARC.No.6/2002-03 and the order of the 3rd respondent dated 27.7.2006 in O.A.No.138 of 2004 and to set aside the same and consequently, to direct the 1st respondent to allot the vacant site to the petitioner in front of DAV Public School in Sy.Nos.172, 169/5 and 7 of Chinnamusiravada village, Visakhapatnam.

2. Heard Sri C.V.R. Rudra Prasad, learned Counsel for the petitioner and the learned Government Pleader for Co-operation.

3. It has been submitted by the learned Counsel for the petitioner that he is a member of the 1st respondent-Co-operative House Building society and that the 1st respondent-society acquired the land in Sy.No.172 and 169/5 and 7 of Chinnamusiravada village Visakhapatnam for allotment of house sites to its members and initially, the 1st respondent-society intended to acquire the land for allotment of house sites to its members and subsequently, it opted to allot constructed houses, at the behest of some members, for which the petitioner raised objection, and the 1st respondent proceeded with the construction of houses and refunded the amount paid by the petitioner by way of cheque and the petitioner returned the cheque requesting the society to allot house site to him and when the request of the petitioner was not considered by the 1st respondent-society, he approached the 2nd respondent by filing ARC No.6/2002-03 and the 2nd respondent-arbitrator dismissed the case of the petitioner on 15.6.2003 and

aggrieved by the same, the petitioner preferred appeal under Section 76 of the A.P. Co-operative Societies Act by filing O.A.No.138 of 2004. The 3rd respondent vide order dated 27.7.2006 dismissed the appeal confirming the order of the 2nd respondent. Challenging the same, the present writ petition has been filed.

4. The learned Government Pleader for Co-operation has contended that respondents Nos.2 and 3 rightly dismissed the case of the petitioner and that the Co-operative House Building Society is formed and governed by the collective decision of its members, and an individual member cannot dictate the terms of the society.

5. I have considered the rival submissions. It is not in dispute that the 1st respondent-society allotted built houses to all its members. When the 1st respondent decided to allot built houses and asked to pay the installments for the constructed houses, the petitioner refused to avail such option. Therefore, the petitioner has no right to contend that house site should be allotted exclusively for him. The orders impugned do not warrant any interference by this Court.

6. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

2nd April, 2018
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2.4.2018

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