

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CIVIL REVISION PETITION No.6957 OF 2017

DATED :23.02.2018

Between :

Sri Ramoju Nandaiah S/o.Rajaiah,
Aged about 55 yrs, Secretary and Correspondent
M/s.SRL Institute of Pharmaceutical Sciences,
Kummarigudem Village of Kazipet,
(Previously Hanamkonda Mandal),
Warangal Urban District,
R/o.9-2-233, Girmajipet, Warangal.

.. Petitioner

And

M/s.SRL Institute of Pharmaceutical Sciences,
Kummarigudem, (V), Kazipet Mandal,
Warangal Urban District,
Sponsored by Sri Rajya Laxmi Educational Society,
Warangal, rep., by its President and its Members & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned counsel for respondents.

2. Petitioner herein filed O.P.No.432 of 2017 on the file of II-Additional District Judge, Warangal, praying to pass a decree by appointing Auditors to audit the accounts of the College for the period from 2012 till date.

3. In the said O.P., petitioner filed I.A.No.482 of 2017 praying to grant *ad-interim ex parte* temporary injunction restraining the respondents not to alienate the petition schedule property to third parties. I.A. was contested by the respondents. The Court below by the order against which this revision is filed, dismissed the I.A.

4. Extensive submissions are made by learned counsel for the petitioner and learned counsel for the respondents. The submissions also touch upon maintainability of O.P., the competency of existing society to sell the properties of the society or to create a different society and transfer the property to different society and so on. These are all matters require consideration by the court below in the pending O.P. This Court is not expressing any opinion on this aspect.

5. Suffice to note that grievance of petitioner in the I.A., was that the respondents are taking steps to dispose of the property and already certain actions were taken in the process of disposing the property. In the counter affidavit filed by respondents they have categorically asserted that they are not disposing of the

property. It is stated that the institution is governed by the provisions of AICTE Act and unless the AICTE grants them permission, the institution cannot be closed and unless the institution is closed, no further steps can be taken to deal with the properties. It is useful to extract Para No.12 of the counter filed by the respondents in the O.P.:

“We are aware as per the A.I.C.T.E., norms the college should not be sold or leased out to the third parties before obtaining closure permission. We are not doing so. We have taken every care for the final year students and there is no complaint from them. More over they have completed and the allegation that the management is trying to sell the lab equipment and furniture is absolutely false and incorrect.”

6. This fact was also noticed by the Court below as can be seen from Paragraph No.12 of the Order. The Court below also noticed that there were no pleadings in support of the contentions urged in the I.A. However, learned counsel for the petitioner pointed out that there were pleadings in the O.P., as well as in I.A.

7. This Court is not dealing this aspect at this stage, having regard to the specific assertion of the respondents in Paragraph No.12 of their affidavit extracted above.

8. Learned Counsel for the respondents, Sri Karnam Ramesh, also reiterates that unless and until AICTE grants permission to close the institution, assets of the society cannot be disposed of and therefore, at this stage, they are not taking steps to dispose of the property and so far no permission is granted for closing the institution.

9. In view of the same, I do not see any error in the decision of the Court below in rejecting the application. At this stage, learned counsel for the petitioner sought to contend that the moment

AICTE grants permission to close the institution, the respondents may take steps to alienate property. That is in the realm of speculation and on the presumption or apprehension, even before such permission is granted by AICTE, petitioner cannot seek to inject the respondents from taking further steps. Petitioner is not remediless as and when such contingency arises and, on that ground,, the order of the Court below cannot be held to be perverse, or not made in proper assessment of the facts on record, for this Court to interfere.

10. Accordingly, the Civil Revision Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this civil revision petition shall stand closed.

23rd February, 2018
Rds

P.NAVEEN RAO,J

