

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.3045 OF 2019

Dated:19.02.2019

Between:

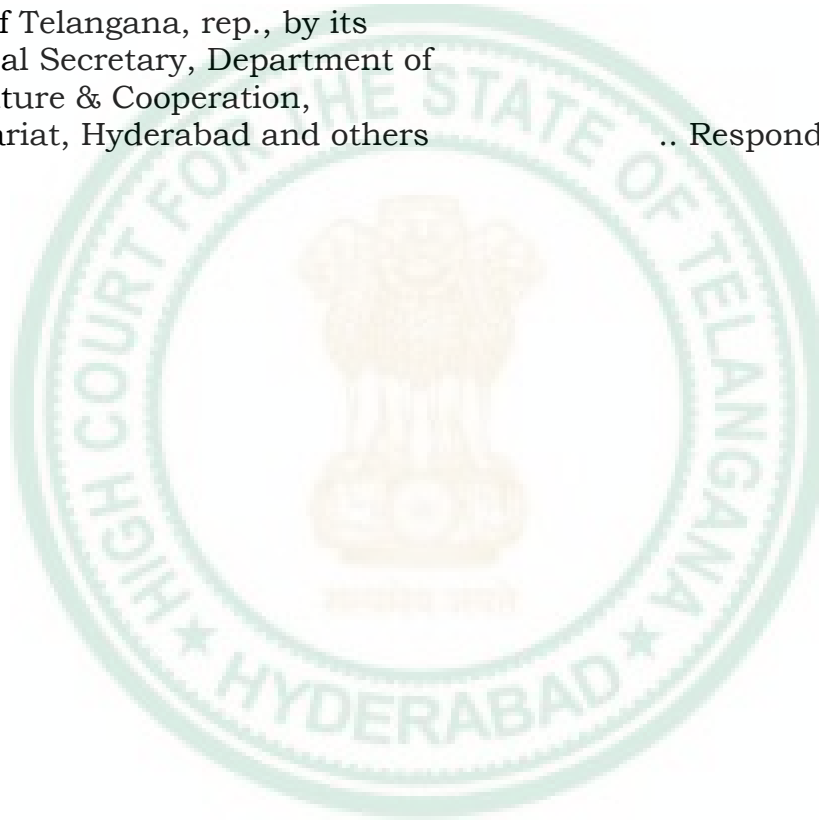
M/s. Abid Abedi & Associates,
A Firm represented by its Partner,
Krishna Naik, S/o. G.K. Naik, aged
About 52 years, R/o. Shanti Nagar,
Hyderabad and others

.. Petitioners

And

State of Telangana, rep., by its
Principal Secretary, Department of
Agriculture & Cooperation,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.3045 OF 2019****ORDER:**

Heard learned counsel for the petitioners and learned Government Pleader for Cooperation appearing for the respondents 1 to 4.

2. This is a third round of litigation. The issue is on conducting of sale of land to an extent of Acs.5.00 in Survey No.230 of Manchirevula Village, Gandipet Mandal, Ranga Reddy District. The Deputy Registrar, Golconda Division, the respondent No.4, took steps to conduct sale of land in compliance of the orders passed in several E.Ps. Petitioners filed W.P.No.27827 of 2018 challenging the conduct of sale of above land. From a reading of the order passed by this Court on 07.08.2018 made in I.A.No.1 of 2018 in the said Writ Petition, it is apparent that according to petitioners, they purchased the property, put to auction, by way of certificate of sale dated 13.03.2004 issued by the Divisional Cooperative Officer, Golconda Division, and therefore their property cannot be sold. This Court granted stay of conducting of sale. As auction was knocked in favour of the successful bidder and the auction purchaser was informed that he should pay the balance money within 15 days, petitioner filed W.P.No.59 of 2019 challenging the further proceedings dated 04.11.2018 issued in E.P.No.89/03-CUB concerning the same extent of land. This Court granted interim stay as prayed for. This Court also initiated *suo motu* contempt proceedings against the Deputy Registrar for

alleged violation of the directions issued by this Court in the earlier Writ Petition.

3. Challenging the letter of Senior Inspector/Sale Officer, Kalyan Cooperative Urban Bank Limited, Musheerabad Mandal, Golconda Division, Hyderabad, addressed to Sri Mohd. Inayatulla, dated 19.12.2018 demanding payment of balance sale consideration, this Writ Petition is filed.

4. According to learned counsel for the petitioners, the letter dated 19.12.2018 would amount to continuing with the sale process contrary to the orders passed by this Court in Writ Petitions and the same is illegal.

5. As can be seen from the narration of events, noted above, the letter dated 19.12.2018 was earlier to the orders passed by this Court in W.P.No.59 of 2019. The factum of such letter was not brought before this Court earlier. However, petitioners' interests were sufficiently protected by the order of this Court made in W.P.No.27827 of 2018 on 07.08.2018. Therefore, even assuming that the concerned Senior Inspector/Sale Officer proceeded to demand the balance amount to be paid from the auction purchaser, the property cannot be transferred to the said auction purchaser as long as the orders passed in W.P.No.27827 of 2018 subsist.

6. However, during the course of hearing, learned Government Pleader for Cooperation produced the letter addressed by the Senior Inspector/Sale Officer, Kalyan Cooperative Urban Bank Limited to the Deputy Registrar of Cooperative Societies, Golconda

Division, dated 23.01.2019. A reading of the said letter would show that the auction purchaser failed to pay the remaining bid amount within the stipulated period. Learned Government Pleader therefore submits that in view of provision contained in Rule 52 (11) (g) of the Telangana Cooperative Society Rules, 1964, the sale becomes invalid and fresh steps should be taken to sell the land.

7. Having regard to the letter, dated 23.01.2019, the earlier auction dated 19.12.2018 is stated to be cancelled now. In view of the same, no further orders are required to be passed in the Writ Petition and the Writ Petition is accordingly disposed of. Pending miscellaneous applications, if any, shall stand closed.

Date:19.02.2019

KH

P. NAVEEN RAO, J