

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24013 of 2019

ORDER:

In this writ petition, petitioners challenge the communication dated 29.09.2019 issued by respondent No.3-District Scheduled Castes Service Cooperative Society Limited.

Petitioners state that they are the beneficiaries of various Schemes, under which they came to acquire certain agricultural lands with the loans provided by respondent No.2-Telangana Scheduled Castes Cooperative Finance Corporation Limited; that the said lands were mortgaged in favour of respondent No.2 initially and the same stands redeemed by paying the loan amount; that they desire to sell the lands, however, respondent No.3 addressed a letter to the Sub-Registrar to release the mortgage deeds/bonds to the petitioners, but not for the purpose of sale. In the circumstances, they filed the present writ petition.

Learned counsel for the petitioners submits that the issue raised in this writ petition is squarely covered by the common order dated 13.07.2012 passed in W.P.Nos.21299 of 2012 and batch. He also placed on record the orders dated 13.11.2018, 20.10.2018 and 12.12.2018 passed by this Court in W.P.Nos.24590 of 2015 and 32969 and 33093 of 2018. As against the said orders, W.A.No.1052 of 2012 and batch were preferred and the Division Bench of this Court dismissed the same vide common judgment dated 09.07.2013.

From a perusal of the afore-stated orders, it is evident that this Court held that there is no fetter upon the beneficiaries in mortgaging the properties acquired through loans granted by respondent No.2 under the Schemes provided by the Government. This Court had also noticed that there is no condition imposed either at the time of sanction of the loan under the Scheme or while extending the financial aid to the respective parties by respondent No.2.

In those circumstances, the writ petition is allowed and the impugned communication to the extent of restricting the petitioners from alienating their respective lands is set aside.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:19.11.2019

kdl