

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY ONE

**PRESENT**

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION NO: 36066 OF 2021**

**Between:**

1. Nuthalapati Madhu, S/o. Ranga Rao, Age 44 years, Occ Business, R/o. H.No.1-1-96/101, Laxmi Residency, Manikonda, Hyderabad, 500089.
2. Malisetty Ashok Kumar, S/o. Giri Rao, Age 42 years, Occ Business, R/o. Srinivas Nagar, Khammam, Khammam District.

**...PETITIONER(S)**

**AND**

1. The State of Telangana, Rep. by its Prl. Secretary, Co-operative Societies Department Secretariat, Hyderabad
2. The District Collector, Khammam, Khammam District
3. The District Co-operative Central Bank Ltd, Rep. by its General Manager, Mahatma Gandhi Road, Gandhi Chowk, Khammam, Khammam District, 507003
4. The District Co-operative Central Bank Ltd, Rep. by its Manager- cum- Sale Officer, Mahatma Gandhi Road, Gandhi Chowk, Khammam, Khammam District, 507003
5. The Special Cadre Deputy Registrar/ Officer on Special Duty, District Co-operative Central Bank Ltd., Khammam, Khammam District, 507003.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.4 and 5/Bank Authorities in issuing impugned auction notice dt.21.12.2021, published in daily Newspaper i.e., in Eenadu District edition dt.22.12.2021, stating that the public auction is going to be conducted on 28.12.2021 at 11.45 am and without fixing the upset price of the land in connection with the 2nd petitioner/guarantor's immovable property i.e., land situated in Sy.No.184/AA to an extent of Ac.2-00 of Prakash Nagar, Khammam Urban Mandal, Khammam District, by the 4th respondent, without attaching the property in question, before conducting sale, is without power or authority and contrary to the sale auction notice issued by the 5th respondent dt.26.11.2021 and also contrary to provisions of the Telangana State Co-operative Societies Act, 1964 and rules thereunder, particularly section 70, 71 and rule 52 sub-rule 10 and 11(d and e), i.e., without fixing upset price of the land in question is illegal, void and opposed to Articles 14, 19, 21 and 300-A of Constitution of India and consequently to direct the respondent/Bank authorities not to interfere with the peaceful possession and enjoyment of the 2nd petitioner's land situated in Sy.No.184/AA to

an extent of Ac.2-00 of Prakash Nagar, Khammam Urban Mandal, Khammam District without following due process of law.

**IA NO: 1 OF 2021**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings in pursuant to the impugned auction notice issued by the 4th respondent/ bank authority dt.21.12.2021, published in daily Newspaper i.e., in Eenadu District edition dt.22.12.2021, in connection with the public auction going to be held on 28.12.2021 at 11.45 a.m. of the immovable property pertaining to the guarantor/2nd petitioner i.e., land situated in Sy.No.184/AA to an extent of Ac.2-00 of Prakash Nagar, Khammam Urban Mandal, Khammam District, pending disposal of the main writ petition.

**Counsel for the Petitioner(s):SRI. MUMMANENI SRINIVASA RAO**

**Counsel for the Respondent No. 1: GP FOR COOPERATIVE SOCIETY**

**Counsel for the Respondent No. 2: GP FOR REVENUE**

**Counsel for the Respondent Nos. 3 to 5 : SRI P. SRINIVAS, SC FOR DCCB**

**The Court made the following: ORDER**

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.36066 of 2021

ORDER:

When the matter is taken up for hearing, learned Standing Counsel appearing for the respondent-Bank submitted that the auction which is scheduled to be held on 28.12.2021, is postponed indefinitely and in view of the same, the cause in the writ petition does not survive for adjudication.

Learned counsel appearing for the petitioners does not dispute the same.

Recording the said submission made by the learned Standing Counsel appearing for the respondent-Bank, the Writ Petition is closed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-T.JAYASREE  
ASSISTANT REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. One CC to SRI. MUMMANENI SRINIVASA RAO Advocate [OPUC]
2. Two CCs to GP FOR COOPERATION (TG) ,High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI P. SRINIVAS, SC FOR DCCB [OPUC]
5. Two CD Copies.
6. One spare copy.

NPJ 

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**HIGH COURT**

**DATED:29/12/2021**



**ORDER**

**WP.No.36066 of 2021**

**CLOSING OF THE WRIT PETITION  
WITHOUT COSTS.**

*Assty*  
*19/1/2022*