

**HIGH COURT FOR THE STATE OF TELANGANA
(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: 36618 OF 2021

Between:

1. Thammineni Rajashekar, S/o. Ranganna, Age 53 years, Occ Business, R/o. H.No.1-1-96/101, Laxmi Residency, Manikonda, Hyderabad, 500089.
2. Nuthalapati Madhu, S/o. Ranga Rao, Age 44 years, Occ Business, R/o. H.No.1-1-96/101, Laxmi Residency, Manikonda, Hyderabad, 500089.

...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.26.11.2021 stating that the public auction is going to be held on 29.12.2021 at 11.45 p.m., i.e., without publishing the same in daily newspaper and without fixing upset price and without obtaining Encumbrance Certificate, without taking possession by notifying the same in gazette publication of the land in connection with the 2nd petitioner/guarantor's immovable property i.e., 1) land situated in Sy.No.253/C/1 and Sy.No.253/D/1 to and extent of 1694 Sq.Yards and 1573 Sq.yards respectively of Mallemadugu Revenue Village, Khammam (R) Mandal, Khammam District, 2) land situated in Sy.No.302 to an extent of 311.11 Sq.Yards of Khanapuram Havell, Khammam (U) Mandal, Khammam District, which stands in the name of Mekala Sheshi Reddy, is without power or authority and contrary to the provisions of the Telangana State Co-operative Societies Act, 1964 and rules thereunder and particularly section 70, 71 and rule 52 sub-rule 5(i), 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 1) Sy.No.253/C/1 and Sy.No.253/D/1 to and extent of 1694 Sq.Yards and 1573 Sq.yards respectively of Mallemadugu Revenue Village, Khammam Urban Mandal, Khammam District, 2) land situated in Sy.No.302 to an extent of 311.11 Sq.Yards of

Khanapuram Haveli, 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 5th respondent/ bank authority dt.26.11.2021, in connection with the public auction going to be held on 29.12.2021 at 11.45 a.m. of the immovable property pertaining to the guarantor/2nd petitioner i.e., land situated in 1) Sy.No.253/C/1 and Sy.No.253/D/1 to and extent of 1694 Sq.Yards and 1573 Sq.yards respectively of Mallemadugu Revenue Village, Khammam Urban Mandal, Khammam District, 2) land situated in Sy.No.302 to an extent of 311.11 Sq.Yards of Khanapuram Haveli, Khammam Urban Mandal, Khammam District, pending disposal of the main writ petition.

Counsel for the Petitioner: 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 No.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.36618 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.

//TRUE COPY//

SD/-T.JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

To,

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

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HIGH COURT

DATED:29/12/2021

ORDER

WP.No.36618 of 2021



CLOSING THE WP
WITHOUT COSTS.

18/1/2022
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