IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

TUESDAY, THE TWENTY EIGHTH DAY OF JANUARY

TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE SRI JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT APPEAL NO: 1071 OF 2024

Writ Appeal under clause 15 of the Letters Patent against the order dated 28.03.2024 in W.P.No.9226 of 2015 on the file of the High Court.

Between:

1. Khadi And Village Industries Commission, Rep. by its Chief Executive Officer, Gramodayam Irla Road, Villeparle (West), Mumbai-400064.
2. Khadi and Village Industries Commission, State Office at Door No.56-3-10A, Raminenivari Street, Patamata, Vijayawada, A.P, Pin code. 520010 Rep. by its State Director

...APPELLANTS/RESPONDENTS

AND

Grama Swarajya Sangam, Ongole, Rep. by its Secretary Smt K.Aravinda, W/o Dr. Muratidhar Reddy, Aged 38 years. At D.No.20/7/62(1), Mangamuru Road, Ongole, Prakasam District

...RESPONDENT/PETITIONER

IA NO: 3 OF 2024

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 suspend the operation of the Order dated 28.03.2024 in W.P.No.9226 of 2015 pending disposal of the above Writ Appeal.

Counsel for the Appellants: SRI RAJENDRA BUSSA

a/b SRI K. CHIDAMBARAM, Sr. COUNSEL

Counsel for the Respondent: SRI P. S. RAJASEKHAR

The Court made the following: JUDGMENT

APHC010225712024

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-29 [3483]

WRIT APPEAL NO: 1071 of 2024

Khadi and Village Industries Commission and another ...Appellants

Vs.

Grama Swarajya Sangam ...Respondent

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Advocate for Appellants : Mr. Rajendra Bussa
a/b Mr. K. Chidambaram, Sr. Counsel

Advocate for Respondent : Mr. P. S. Rajasekhar

CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE RAVI CHEEMALAPATI

DATE : 28th January 2025

Per DHIRAJ SINGH THAKUR, CJ:

The present Writ Appeal filed under Clause 15 of the Letters Patent has been preferred against the judgment and order impugned, dated 28.03.2024, passed in W.P.No.9226 of 2015.

2. Briefly stated, the facts of the case are that the writ petitioner is a society who obtained loan from Khadi and Village Industries Commission / respondent No.1 / appellant herein and as a security created an equitable mortgage with regard to the immovable properties belonging to the petitioner society. The petitioner claims that an amount of Rs.31,84,000/- was deposited towards the loan account and nothing was further payable to appellant Commission.

Representations were filed with the appellant Commission to release the property documents pertaining to the mortgage properties lying with them. This was done in the year 2014. By virtue of communication, dated 07.05.2014, the appellant Commission, while referring to the prayer made by the petitioner to release the property documents and acknowledging the fact that an amount of Rs.31,84,000/- has been deposited towards the loan, prohibited the office bearers of the petitioner from disposing of the properties owned by the institution, except for the purposes which were authorized by the appellant Commission.

The communication, dated 07.05.2014, came to be challenged by the petitioner in W.P.No.9226 of 2015, which was allowed by virtue of judgment and order impugned, dated 28.03.2024.

3. The learned single Judge in the judgment and order impugned observed that there was no material placed on record to the effect that there was any communication ever issued at any point of time by the appellant Commission mentioning the details regarding the dues payable by the petitioner and that communication, dated 07.05.2014, had been addressed without furnishing any such information.

4. The learned single Judge also dealt with the objection of the appellant Commission raised during the course of the arguments before it regarding the competence of the deponent who had sworn the affidavit on behalf of the writ petitioner and held that there was no basis laid out in the

counter affidavit. In the absence whereof, it was held that the objection did not merit any consideration.

5. In those circumstances, the writ petition was allowed, impugned letter, dated 07.05.2014, was held to be unsustainable in law and set aside. The learned single Judge, however, further directed the respondents/appellants herein to reconcile the loan account of the petitioner and intimate the outstanding amount, if any, within a period of four weeks from the date of receipt of the order and in case no amount was due and payable to the appellant Commission, then the title deeds in respect of the land mortgaged by the petitioner were directed to be returned within the prescribed period. The outstanding amount, if any, upon intimation was directed to be repaid within the specified period.

6. In the present Writ Appeal, learned counsel for the appellant has failed to justify as to how the view expressed by the learned single Judge was unsustainable. Admittedly, the appellants would have no justification to retain the property documents if the loan amount was repaid already, and if there was anything due and payable still by the petitioner, the order made enough provision for securing the interest of the appellants in that regard with liberty to the appellant to communicate the amount due and payable and the documents were ordered to be returned to the petitioner only upon payment of the outstanding amount.

7. In our opinion, the view expressed by the learned single Judge merits no interference. We find that the present Writ Appeal has absolutely no merit and is accordingly dismissed with costs of Rs.25,000/- to be deposited with the Andhra Pradesh State Legal Services Authority to be utilized for the benefit of children who suffer from visual and hearing impairment. No costs.

Consequently, connected miscellaneous applications, if any, shall stand closed.

Sd/- M.RAMESH BABU
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chief Executive Officer, Khadi And Village Industries Commission, Gramodayam Irla Road, Villeparle (West), Mumbai-400064.
2. The State Director, Khadi and Village Industries Commission, State Office at Door No.56-3-10A, Raminenivari Street, Patamata, Vijayawada, A.P, Pin code. 520010.
3. One CC to Sri Rajendra Bussa, Advocate [OPUC]
4. One CC to Sri P. S. Rajasekhar, Advocate [OPUC]
5. The Secretary, Andhra Pradesh Legal Service Authority, H.No.2-23/554-A, V.S.R. Commercial Complex, Malkapuram Village, near A.P. Secretariat, Opp. To Traffic Police Station, Thulluru Mandal, Guntur District-522238.
6. Three CD Copies.

ssb

HIGH COURT

DATED:28/01/2025

JUDGMENT

WA.No.1071 of 2024



DISMISSING THE W.A. WITH COSTS