APHC010530892026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 28895 OF 2026

Between:

1. Ganganamudi Venkateswarlu, S/o. Balaiah, Aged 36 years, Occ. Agriculture, R/o. D No. 7-3-121/2 Kummari Bazar, Khammam City, Khammam District, Telangana State.507001

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Cooperative Department, Secretariat, Velagapudi, Guntur District.522237

2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Stamps and registration Department, Secretariat, Velagapudi, Guntur District.522237

3. The District Collector, Eluru District at Eluru.534001

4. The Deputy Registrar / Officer, On Special Duty, DCCB Limited, Eluru District at Eluru.534001

5. The District Registrar, Stamps and Registration Department, Eluru District at Eluru.534001

6. The District Registrar of DCCB, Eluru District at Eluru.534001

7. The Sub Registrar, Chinthalapudi Mandal, Eluru District. 534001

...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 toissue order or direction more particularly one in the nature of Writ of MANDAMUS declaring the action of the respondents attaching the property of the petitioner admeasuring Ac.0.17 cents in Sy.No.47-2C-1E2A, land admeasuring Ac. 0.40cents in Sy No. 48-261 and Land admeasuring Ac. 0.63 in Sy No. 50 161 , in total admeasuring Ac. 1.20cnts of Kethavaram Village, T.Narasapuram Mandal, Eluru District without considering the ownership of the petitioner, without verifying latest EC and without following the procedure laid down under AP Cooperative Act, 1964 and the rules made there under, furnishing the details of petitioner's property to the registration authorities to include petitioner's property along with other properties in prohibitory properties list in spite of lack of jurisdiction is illegal, arbitrary and unconstitutional and consequently direct the respondents to lift the attachment in respect of petitioner's property and delete petitioner's property from prohibitory properties list, in the interest of justice

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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 direct the respondents not to conduct auction in respect of petitioner's property admeasuring Ac.0.17 cents in Sy.No.47-2C-1E2A, land admeasuring Ac. 0.40cents in Sy No. 48-261 and Land admeasuring Ac. 0.63 in Sy No. 50-161, in total admeasuring Ac. 1.20 cents of Kethavaram Village, T.Narasapuram Mandal, Eluru District, pending disposal of the present writ petition and pass such

Counsel for the Petitioner: M P V N V SASTRI

Counsel for the Respondents: GP FOR REGISTRATION AND STAMPS
Counsel for the Respondents:GP FOR COOPERATION

The Court made the following order:

The petitioner is aggrieved by the action of respondent No. 4 in attaching the property purchased by the petitioner. The petitioner is a bona fide purchaser, having purchased the land admeasuring Ac.1.20 cents under a registered sale deed dated 15.02.2022. It is submitted that, ever since the purchase of the said property, the petitioner is in possession and enjoyment of the same.

2. As things stood thus, respondent No. 4 has issued an attachment order in R.C.No.1 of 2023 on 04.01.2023, by attaching the property which was purchased by the petitioner. It is submitted that the petitioner was not aware of the pending enquiry under Section 51 of the Andhra Pradesh Co-operative Societies Act, 1964, against the husband of the vendor of the petitioner. It is further submitted that, as on the date of purchase of the said property, there was no lien, or any sort of encumbrance over the said property as such, the petitioner had paid valid and substantial consideration for purchasing the same.

3. The petitioner is neither connected with the T.Narasapuram Primary Agricultural Co-operative Credit Society nor with its affairs or any of its Managing Committee members. However, the property purchased from the wife of one of the Executive Members of the Committee cannot be subjected to attachment.

4. It is further submitted that this Court, in similar circumstances, considered the claim of the petitioner therein in W.P.No.22192 of 2025, whereby the property belonging to a third party was subject to attachment and subsequently for auction. It is submitted that a learned Single Judge of this Court, had considered that the petitioner therein was also a bonafide purchaser of the schedule property and with Section 73 of the Andhra Pradesh Co-operative Societies Act, 1964, does not contemplate attachment of properties in the hands of third parties.

5. The learned counsel appearing for respondent No. 6 submits that the property was sold by the then Chief Executive Officer (C.E.O.) to his wife, who, in turn, sold the properties to several third parties. It is submitted that an enquiry under Section 51 of the Act was pending and, during the pendency of such enquiry, the C.E.O., against whom the enquiry was pending, had sold the property to his own wife, who, in turn, had sold the properties to third parties.

6. Heard the learned counsel appearing for the petitioner and Sri Suraganai Vijay Kumar, the learned Standing Counsel appearing for respondent No. 6.

7. Section 73 of the Andhra Pradesh Co-operative Societies Act, 1964, would empower the Registrar to attach the property pending an enquiry. However, on the facts of the present case, no such recourse was resorted to and also does not empower the attachment of third party properties.

8. Having regard to the aforesaid considerations, the attachment dated 04.01.2023, insofar as the petitioner's property is concerned, is hereby set aside.

9. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE HARINATH.N

08.10.2026
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