

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



WEDNESDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 9960 OF 2023

Between:

Katuri Rama Krishna, S/o.Subba Rao, Aged about 48 years, Occ. Cultivation,
R/o.Adusumalli Village, Parchur Mandal, Bapatla District (Old Prakasam)

...PETITIONER

AND

1. The State of AP, Rep.by its Principal Secretary to Government, Cooperative Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Registrar, Cooperative Societies Department, Bapatla District at Bapatla.
3. The Bapatla District Cooperative Central Bank Limited, Rep. by its Branch Manager, Parchur Branch, Parchur village and Mandal, Bapatla District (Old Prakasam).
4. The Chief Executive Officer, Bapatla District Cooperative Central Bank Limited, Ongole City, Bapatla District (Old Prakasam)
5. Adusumalli Primary Agricultural Cooperative Society, Rep. by its President, Adusumalli village, Parchur Mandal, Bapatla District (Old Prakasam).
6. Adusumalli Primary Agricultural Cooperative Society, Rep.by its Secretary, Adusumalli village, Parchur Mandal, Bapatla District (Old Prakasam).
7. Doppalapudi Srinivasa Rao, S/o.Not Known, Aged about 55 years, Occ. The then Secretary-Primary Agricultural Cooperative Society R/o.Adusumalli Village, Parchur Mandal, Bapatla District (Old Prakasam).

...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 respondents 2 and 5 in not taking action on the petitioner Representation/Legal notice dated 27-10-2022 against the 7th respondent as under section 61 of Andhra Pradesh Cooperative Societies Act, 1964 as it is touching upon the business of the society, as illegal, irregular and arbitrary and contrary to Andhra Pradesh Cooperative Societies Act, 1964 and rules framed there under and consequently direct the respondents 2 and 5 to consider and decide the petitioner legal Notice/Representation dated 27-10-2022 for the taking action against the 7th respondent.

IA NO: 1 OF 2023

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 direct the respondents 2 and 5 to consider and decide the petitioner Legal Notice/Representation dated 27-10-2022 for the taking action against the 7th

respondent in accordance with section 61 of the Andhra Pradesh Cooperative Societies Act, 1964, pending disposal of main writ petition.

IA NO: 2 OF 2023

Between:

Doppalapudi Srinivasa Rao, S/o. Adinarayana, Aged about 55 years, Occ. Ex-Secretar, Adusumalli Primary Agricultural Cooperative Society, R/o. Adusumalli Village, Parchur Mandal, Bapatla District (Old Prakasam).

...Petitioner / 7th Respondent

AND

1. Katuri Rama Krishna, S/o. Subba Rao, Aged about 48 years, Occ. Cultivation, R/o. Adusumalli Village, Parchur Mandal, Bapatla District (Old Prakasam)
...Respondent / Petitioner
2. The State of AP, Rep. by its Principal Secretary to Government, Cooperative Department, Secretariat, Velagapudi, Amaravati, Guntur District.
3. The Registrar, Cooperative Societies Department, Bapatla District at Bapatla.
4. The Bapatla District Cooperative Central Bank Limited, Rep. by its Branch Manager, Parchur Branch, Parchur village and Mandal, Bapatla District (Old Prakasam).
5. The Chief Executive Officer, Bapatla District Cooperative Central Bank Limited, Ongole City, Bapatla District (Old Prakasam)
6. Adusumalli Primary Agricultural Cooperative Society, Rep. by its President, Adusumalli village, Parchur Mandal, Bapatla District (Old Prakasam).
7. Adusumalli Primary Agricultural Cooperative Society, Rep. by its Secretary, Adusumalli village, Parchur Mandal, Bapatla District (Old Prakasam).

...Respondents / Respondents

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 vacate the Order dt. 20.04.2023 in I.A.No.1 of 2023 in W. P. No. 9960 of 2023 and dismiss the Writ Petition with exemplary costs in the interests of justice.

Counsel for the Writ Petitioner(s): SRI. NAGA PRAVEEN VANKAYALAPATI

Counsel for the Respondents 1 to 4 in WP : GP FOR COOPERATION

Counsel for the Respondent No.7 in WP : M/S NIMMAGADDA REVATHI

Counsel for the Respondents 5 & 6 in WP : SRI K.N. VIJAYA LAKSHMI

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.9960 of 2023

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Agriculture and learned counsel for the unofficial respondents.

At the stage of admission, this Court was pleased to pass an interim order dated 20.04.2023, directing the authorities concerned to consider the Representation / Legal Notice dated 27.10.2022 and pass a Speaking Order within four weeks from the date of supply of the order copy. Pursuant to the orders of this Court dated 27.10.2022, the District Cooperation Officer, Bapatla on behalf of the Respondent No.2 passed speaking orders on 18.05.2023, considering the Representation / Legal Notice dated 27.10.2022 and also after considering the enquiry report dated 24.04.2023.

In view of the speaking orders holding that the subject property was mortgaged prior to the execution of Gift Deed in favour of the petitioner, the prayer and claim of the petitioner is complied with. Therefore, no cause survives in the present writ petition and for further adjudication.

Accordingly, the writ petition is closed. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

Sd/- M. SURYANADHA REDDY
DEPUTY REGISTRAR

//TRUE COPY//

chsn
for SECTION OFFICER

To,

1. One CC to SRI. NAGA PRAVEEN VANKAYALAPATI Advocate [OPUC]
2. Two CCs to GP FOR COOPERATION, High Court of Andhra Pradesh. [OUT]
3. One CC to SRI. K.N. VIJAYA LAKSHMI Advocate [OPUC]
4. One CC to M/S NIMMAGADDA REVATHI Advocate [OPUC]
5. Two CD Copies

MSR

HIGH COURT

DATED:09/08/2023

ORDER

WP.No.9960 of 2023

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CLP
2118

**CLOSING THE WP
WITHOUT COSTS**