

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT APPEAL NO: 697 OF 2014

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 13.03.2014 in WP No. 19918/2008. on the file of the High Court.

Between:

P. Ramesh Babu, S/o. Somasekhar Rao, Aged about 54 years, Occ: Retd.Employee, R/o. Mallapur, Secunderabad, Hyderabad.

...APPELLANT

AND

1. The Divisional Co-operative Officer, Secunderabad Division, M.J. Road, Nampally, Hyderabad.
2. The Deputy Registrar of Co-operative Societies, City Circle, Nampally, Hyderabad.
3. The Prudential Co-operative Urban Bank Limited, R.P. Road, Secunderabad.
4. T. Parthasaradhi, **Died per Lrs .RR 7 and 8**, S/o. T. Ramamurthy, Hindu, R/o. H.No. 2-2-647/72, Central Excise Colony, Bagh Amberpet, Hyderabad.
5. Syndicate Bank, Basheerbagh Branch, Hyderabad.,
6. The Hon'ble Recovery Officer, Debts Recovery Tribunal, Hyderabad.

(Respondent Nos.5 and 6 are not necessary parties in this appeal).

...RESPONDENTS/
RESPONDENTS in WP19918 of 2008

7. Tanniru Sridhar Rao **Died per Lrs. 9 to 11**, Aged about 52 Years Occ Not Known to appellant R/o H.No. 2-2-647/72 Central Excise Colony Bagh Amberpet, Hyderabad
8. Tanniru Seetharavamma, W/o Late Tanniru Parthasaradhi, Aged about 72 Years Occ Not Known to appellant R/o H.No. 2-2-647/72 Central Excise Colony Bagh Amberpet, Hyderabad
9. Tanniru Sarada, W/o Late Tanniru Sridhar Rao Aged about 54 Years Occ Not Known R/o H.No. 2-2-647/72 Central Excise Colony Bagh Amberpet, Hyderabad

10. Tanniru Sripad, S/o Tanniru Sridhar Rao Aged about 24 Years Occ Not Known to appellant R/o H.No. 2-2-647/72 Central Excise Colony Bagh Amberpet, Hyderabad

11. Tanniru Sriya, D/o Tanniru Sridhar Rao Aged about 22 Years Occ Not Known to appellant R/o H.No. 2-2-647/72 Central Excise Colony Bagh Amberpet, Hyderabad

(Respondent No.7 and 8 are brought on record as Lrs. of deceased respondent No. 4 and 9 to 11 are brought on record as Lrs of deceased respondent No.7 as per Court Order dated 16.07.2024 Vide IA.No. 1 of 2024 in WA.No.697 of 2014)

...RESPONDENTS

Counsel for the Appellant: SRI MASTAN VALI SHAIK

**Counsel for the Respondent No.1 & 2: MRS. B. MOHANA REDDY,
GP FOR COOPERATION**

**Counsel for the Respondent No.3: SRI C. SRI HARI PRASAD REP. FOR
SRI M. VENKAT DIVAKAR**

**Counsel for the Respondent No.8 to 11: SRI R.N. HEMENDRANATH REDDY,
SR. COUNSEL REP FOR
SRI SANNAPANENI LOHIT**

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Appeal No.697 of 2014

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Mastan Vali Shaik, learned counsel for the appellant.

Mrs. B.Mohana Reddy, learned Government Pleader for Cooperation Department appears for respondents No.1 and 2.

Mr. C.Sri Hari Prasad, learned counsel represents Mr. M.Venkat Divakar, learned counsel for respondent No.3- Prudential Cooperative Urban Bank Limited (for short 'the Cooperative Bank').

Mr. R.N.Hemendranath Reddy, learned Senior Counsel appears for Mr. Sannapaneni Lohit, learned counsel respondents No.8 to 11.

2. This intra court appeal is filed against order dated 13.03.2024, passed by a learned Single Judge by which writ petition preferred by the appellant *viz.*, W.P.No.19918 of 2008 has been dismissed and the order dated 22.01.2008,

passed by the Andhra Pradesh Cooperative Tribunal, Hyderabad (for short 'the Cooperative Tribunal') in W.P.No.19918 of 2008, has been upheld.

3. The issue which arises for consideration in this writ appeal *viz.*, whether, without initiation of recovery proceedings, the Cooperative Bank, merely on the basis of certificate, can conduct an auction and sale of a property, is no longer *res integra* and has been answered by a Constitution Bench of the Supreme Court in **Pandurang Ganpati Chaugule v. Vishwasrao Patil Murgud Sahakari Bank Limited**¹.

4. In view of aforesaid enunciation of law by the Constitution Bench of the Supreme Court, the Cooperative Bank (respondent No.3) has to approach the Debts Recovery Tribunal for recovery of its dues. The impugned order dated 13.03.2014, passed by the learned Single Judge in W.P.No.19918 of 2008 and the order dated 22.01.2008 passed

¹ (2020) 9 SCC 215

by the Cooperative Tribunal in C.T.A.No.49 of 2006 are affirmed.

5. However, liberty is reserved to the Cooperative Bank (respondent No.3) to approach the Debts Recovery Tribunal for recovery of the dues.

6. The amount deposited by the auction purchaser in on 24.06.2004 shall be refunded to him along with interest @ 9% p.a.

7. The Writ Appeal is accordingly disposed of. No costs.

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

SD/-T. KRISHNA KUMAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Divisional Co-operative Officer, Secunderabad Division, M.J. Road, Nampally, Hyderabad.
2. The Deputy Registrar of Co-operative Societies, City Circle, Nampally, Hyderabad.
3. The Prudential Co-operative Urban Bank Limited, R.P. Road, Secunderabad.
4. One CC to SRI MASTAN VALI SHAIK, Advocate [OPUC]
5. One CC to SRI M. VENKAT DIVAKAR, Advocate [OPUC]
6. One CC to SRI SANNAPANENI LOHIT, Advocate [OPUC]
7. Two CCs to GP FOR COOPERATION, High Court for the State of Telangana. [OUT]
8. Two CD Copies
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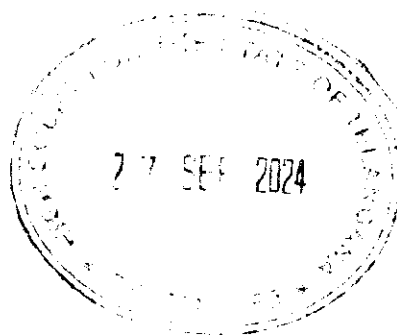


HIGH COURT

DATED:06/09/2024

JUDGMENT

WA.No.697 of 2014



**DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

⑪
26/09/24
bb