

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

WEDNESDAY, THE THIRTEENTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT APPEAL NO: 1286 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated. 18/07/2024 in W.P.No. 19463 of 2023 on the file of the High Court.

**Between:**

M/s Sark One and Sark One Extension Villa Owners Maintenance Society Limited., Rep. by its Ad-Hoc Committee Chairman, Sri.V.Janardhan, Villa No. SOE-3, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District-501203.

...PETITIONER/RESPONDENT No.4

**AND**

1. M/s Sark One and Sark One Extension Villa Owners Mutually Aided Cooperative Maintenance Society Ltd, Rep. by its Chief Promoter Sri. Sunil Fonseca, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.
2. Sri. Sunil Fonseca, S/o Dr. W. Fonseca, Aged. 51 Yrs., Occ. Business, R/o Villa No. SO-15, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.
3. Sri. N.Ravindra Kumar Reddy, S/o late Dr. N.C.S. Reddy, Aged. 63 Yrs., Occ. Business, R/o Villa No. SO-37, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.
4. Sri. Sameer Saksena, S/o Capt. Ratari Kumar Saksena, Aged. 52 Yrs., Occ.Service, R/o Villa No. SOE-48, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.
5. Sri Vaidyanathan Krishnan, S/o Late. N.V.Krishnan, Aged. 48 Yrs., Occ.Service, R/o Villa No. SOE-53, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.
6. Sri Vasudevan Narayana Kutty, S/o Late Pattath Narayan Kutty, Aged. 48 Yrs., Occ.Service, R/o Villa No. SOE-32, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.
7. Sri Gautam Mohapatra, S/o Dr. Parthasarathi Mohapatra, Aged. 54 Yrs., Occ.Business, R/o Villa No. SOE-50, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.

8. Smt. Sunitha Reddy, W/o Sri. A. Vittal Reddy, Aged. 60 Yrs., Occ.Service, R/o Villa No. SOE-3, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.
9. Sri Syed Imtiaz Ali, S/o Sri. S. Mural Ali, Aged. 66 Yrs., Occ.Service R/o Villa No. SO-02, Sark One Villas, Mokila Road, Kondaka Village, Shankerpally village, Ranga Reddy District.

**...RESPONDENTS/PETITIONERS**

10. The State of Telangana, Rep. by its Principal Secretary, Cooperation Department, At Secretariat, Hyderabad.
11. The Commissioner for Cooperation and Registrar Of Cooperative Societies, Telangana State, 3rd Floor, Gruhakalpa Buildings, M.J.Road, Nampally, Hyderabad.
12. The District Cooperative Officer/Registrar under MACS Act, 1995, Ranga Reddy, S-2, 2nd Floor, Integrated District Office Complexes, Kongara, Kalan village, Ibrahimpatnam Mandal, Range Reddy District, Telangana State.

**...RESPONDENTS/RESPONDENTS**

**IA NO: 2 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 made by this Honble Court in WP No. 19463 of 2023 Dt 18.07.2024 pending disposal of the appeal.

**Counsel for the Appellant: SRI CHIKKUDU PRABHAKAR REPRESENTING FOR SRI PONAMPELLI RAVI**

**Counsel for the Respondent No.1 to 9: SRI M. VENKAT DIVAKAR**

**Counsel for the Respondent No.10 to 12: GP FOR COOPERATION**

**The Court made the following: JUDGMENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**

**AND**

**THE HON'BLE SRI JUSTICE J.SREENIVAS RAO**

**WRIT APPEAL No.1286 of 2024**

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

Mr. Chikkudu Prabhakar, learned counsel representing Mr. Ponampelli Ravi, learned counsel for the appellant.

2. This intra court appeal is filed against the order dated 18.07.2024 by which the writ petition filed by the respondents No.1 to 9, namely W.P.No.19463 of 2023, has been disposed of directing the respondents No.10 to 12 to register the respondent No.1 society under the provisions of the Telangana Mutually Aided Cooperative Societies Act, 1995, within a period of four weeks.

3. Learned counsel for the appellant submits that the appellant, who was arrayed as the respondent No.4 in the

writ petition, had placed reliance on the Full Bench decision of the Andhra Pradesh Court in **SKCC Bank Limited v. N Seetharama Raju**<sup>1</sup> in support of the contention that no writ petition is maintainable against a cooperative society. However, the learned Single Judge, without adjudicating the issue with regard to maintainability of the writ petition, has disposed of the same.

4. In view of the law laid down by the Supreme Court in **State of Maharashtra v. Ramdas Shrinivas Nayak**<sup>2</sup>, the appropriate remedy for the appellant is to seek review of the order dated 18.07.2024 passed by the learned Single Judge.

5. The writ appeal is, therefore, disposed of with the liberty to the appellant to take recourse to the remedy of review.

---

<sup>1</sup> AIR 1990 AP 171 : (1990) 2 ALT 1 (FB)

<sup>2</sup> AIR 1982 SC 1249

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

**SD/- M. MANJULA  
DEPUTY REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

To,

1. The Principal Secretary, Cooperation Department, The State of Telangana, At Secretariat, Hyderabad.
2. The Commissioner for Cooperation and Registrar Of Cooperative Societies, Telangana State, 3rd Floor, Gruhakalpa Buildings, M.J.Road, Nampally, Hyderabad.
3. The District Cooperative Officer/Registrar under MACS Act, 1995, Ranga Reddy, S-2, 2nd Floor, Integrated District Office Complexes, Kongara, Kalan village, Ibrahimpatnam Mandal, Range Reddy District, Telangana State.
4. One CC to SRI PONAMPELLI RAVI, Advocate [OPUC]
5. One CC to SRI M. VENKAT DIVAKAR, Advocate [OPUC]
6. Two CCs to the GP for Cooperation, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies

BN



CC TODAY

HIGH COURT

DATED:13/11/2024

JUDGMENT

WA.No.1286 of 2024



DISPOSING OF THE WRIT APPEAL  
WITHOUT COSTS

(10)  
13/11/24  
bx