



**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE FIFTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 15926 OF 2023**

Between:

K Saheb Reddy, S/o. K. Subbi Reddy, Secretary/Chief Executive Officer (Under Order of Removal), Penumantra Large Sized Co-Operative Society Ltd, Penumantra, Penumantra Mandal, West Godavari District. Aged about 60 years, R/o. H.no. 2-2, Sivalayam Street, Neggipudi Village AND Mandal, West Godavari District.

Petitioner

AND

1. The State of AP, Rep. by its Principal Secretary, Co-Operative Department, Velagapudi, Guntur District, A.P
2. The District Co-Operative Officer, West Godavari, Andhra Pradesh.
3. The Penumantra Large Sized Co-Operative Credit Society Ltd., Rep by its Chief Executive Officer, Penumantra Village, Manteru Mandal, West Godavari.
4. The District Registrar of Co-operative Societies, Bhimavaram Division, Bhimavaram, West-Godavari.
5. The Sale Officer, Penumantra Large Sized Co-Operative Credit Society Ltd. Branch Manager, District Co-Operative Central Bank, Bhimavaram Main Branch, Bhimavaram.
6. The Sale Officer, Penumantra Large Sized Co-Operative Credit Society Ltd. Branch Manager, District Co-Operative Central Bank, Yernagudem, West Godavari.
7. The Sale Officer, Penumantra Large Sized Co-Operative Credit Society Ltd. Branch Manager, District Co-Operative Central Bank, Tadepalligudem Branch, West Godavari.

Respondents

WHEREAS the Petitioner above named through his Advocate PULIPATI RADHIKA presented this 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 an appropriate order, writ or direction, more particularly one in the nature of writ of mandamus, to declare the action of the Respondents No. 5, 6 and 7 herein in issuing Form-7 Notices i.e., Notice of Attachment of Immovable Property dated 06.02.2023 to the Petitioner herein thereby attaching the Subject property belonging to the Petitioner herein admeasuring an extent of Ac. 0.80 Cents in Sy.No.52/5, Marteru Village, Ac. 0.23 Cents in Sy.No.138/3A, Neggipudi Village, Ac. 0.55 Cents in Sy.No.138/2, Neggipudi Village and 507.84 Sq.yards situated in D.No.2-2 AND 2-3, Sy.No.66/5 Neggipudi Village, all situated in Penumantra Mandal, West Godavari District and the consequential action of the 4th Respondent herein in issuing Notices in Form-9 to the Petitioner herein in C.B.C.E.P.No.04/2020 dated 07.02.2023, C.B.C.E.P.No.07/2020 dated 21.02.2023, C.B.C.E.P.No.30/2016-17 dated 07.02.2023, C.B.C.E.P.No.19/2017 dated 07.02.2023,

C.B.C.E.P.No.19/2017 dated 20.02.2023 and C.B.C.E.P.No.06/2019 dated 07.02.2023 to conduct auction of Petitioner's Property as being illegal, arbitrary, violative of principles of Natural Justice and Articles 21, 300-A of Constitution of India and consequently to set aside the impugned Form-7 Notices i.e., Notice of Attachment of Immovable Property dated 06.02.2023 issued by the Respondents No. 5,6 and 7 and consequential notices in Form-9 in C.B.C.E.P.No.04/2020 dated 07.02.2023, C.B.C.E.P.No.07/2020 dated 21.02.2023, C.B.C.E.P.No.30/2016-17 dated 07.02.2023, C.B.C.E.P.No.19/2017 dated 07.02.2023, C.B.C.E.P.No.19/2019 dated 20.02.2023 C.B.C.E.P.No.06/2019-20 dated 07.02.2023 issued by the 4th Respondent.

AND WHEREAS the High Court upon perusing the petition and memorandum of grounds filed herein and upon hearing the arguments of Sri PULIPATI RADHIKA Advocate for the Petitioner and of GP FOR COOPERATIVE DEPARTMENT for Respondent Nos. 1, 2, 4, directed issue of notice to the Respondent Nos. 3, 5 and 6 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Chief Executive Officer, Penumantra Large Sized Co-Operative Credit Society Ltd., Penumantra Village, Manteru Mandal, West Godavari.
2. The Sale Officer, Penumantra Large Sized Co-Operative Credit Society Ltd. Branch Manager, District Co-Operative Central Bank, Bhimavaram Main Branch, Bhimavaram.
3. The Sale Officer, Penumantra Large Sized Co-Operative Credit Society Ltd. Branch Manager, District Co-Operative Central Bank, Yernagudem, West Godavari.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith(copy enclosed) this WRIT PETITION should not be admitted within three weeks.

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 herein more particularly Respondent No.4 herein not to proceed with sale of the Subject Property of the Petitioner herein admeasuring an extent of Ac. 0.80 Cents in Sy.No.52/5, Marteru Village, Ac. 0.23 Cents in Sy.No.138/3A, Neggipudi Village, Ac. 0.55 Cents in Sy.No.138/2, Neggipudi Village and 507.84 Sq.yards situated in D.No.2-2 AND 2-3, Sy.No.66/5 Neggipudi Village, all situated in Penumantra Mandal, West Godavari District in pursuance of the Auction notices in Form-9 in C.B.C.E.P.No.04/2020 dated 07.02.2023, C.B.C.E.P.No.07/2020 dated 21.02.2023, C.B.C.E.P.No.30/2016-17 dated 07.02.2023, C.B.C.E.P.No.19/2017 dated 07.02.2023, C.B.C.E.P.No.19/2019 dated 20.02.2023 C.B.C.E.P.No.06/2019-20 dated 07.02.2023 and issued by the 4th Respondent herein ,pending disposal of WP No. 15926 of 2023, on the file of the High Court.

The Court made the following: ORDER

"Notice Before Admission.

Heard the learned counsel for the petitioner and learned Government Pleader for the Respondents.

Learned Government Pleader takes notice for respondent Nos.1 to 4.

Issue notice to Respondent Nos.3, 5 and 6.

Learned counsel for the petitioner is permitted to take out personal notice to Respondent Nos.3, 5 and 6 through Registered Post with Acknowledgment Due and file proof of service into the Registry.

There shall be an interim direction directing respondent No.4 not to proceed with the sale of auction regarding subject properties of the petitioner admeasuring an extent of Ac.0.80 Cents in Sy. No.52/5, Marteru Village, Ac.0.23 Cents in Sy. No.138/3A, Neggipudi Village, Ac.0.55 Cents in Sy. No.138/2, Neggipudi Village and 507.84 Sq. yards situated in D.No.22 and 23, Sy. No.66/5 Neggipudi Village, all situated in Penumantra Mandal, West Godavari District, without there being any fresh notice of auction for sale. Subsequent to the earlier auction notices dated 07.02.2023, 20.02.2023 and 21.02.2023, it is made clear, if any auction had been taken place, pursuant to the above referred auction notices held on 23.03.2023, 24.03.2023 and 29.03.2023 in respect of subject properties, the respondents are at liberty to proceed further.

For filing counter-affidavit, post after three weeks."

**Sd/- A. VENUGOPAL RAO
ASSISTANT REGISTRAR**

//TRUE COPY//

For

SECTION OFFICER

To,

- 1. The Principal Secretary, Co-Operative Department, Velagapudi, Guntur District, A.P.**
- 2. The District Co-Operative Officer, West Godavari, Andhra Pradesh.**
- 3. The Chief Executive Officer, Penumantra Large Sized Co-Operative Credit Society Ltd., Penumantra Village, Manteru Mandal, West Godavari.**

4. The District Registrar of Co-operative Societies, Bhimavaram Division, Bhimavaram, West-Godavari.
5. The Sale Officer, Penumantra Large Sized Co-Operative Credit Society Ltd. Branch Manager, District Co-Operative Central Bank, Bhimavaram Main Branch, Bhimavaram.
6. The Sale Officer, Penumantra Large Sized Co-Operative Credit Society Ltd. Branch Manager, District Co-Operative Central Bank, Yernagudem, West Godavari.
7. The Sale Officer, Penumantra Large Sized Co-Operative Credit Society Ltd. Branch Manager, District Co-Operative Central Bank, Tadepalligudem Branch, West Godavari.(Addressess 1 to 7 by RPAD- along with a copy of petition and affidavit)
8. One CC to SRI. PULIPATI RADHIKA Advocate [OPUC]
9. Two CCs to GP FOR COOPERATIVE DEPARTMENT, High Court Of Andhra Pradesh. [OUT]
10. One spare copy.

psk

HIGH COURT

NVJ

DATED:05/07/2023

POST AFTER THREE WEEKS

NOTICE BEFORE ADMISSION

WP.No.15926 of 2023

INTERIM DIRECTION

