



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

THURSDAY, THE SIXTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FIVE

**PRESENT  
THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY**

**WRIT PETITION NO: 5065 OF 2025**

**Between:**

1. B. Kumara Swamy, S/o. B.Nagappa, Aged about 62 years,  
Government General Hospital, B/C-12, B-Camp, Kurnool

**...Petitioner**

**AND**

1. The State of Andhra Pradesh, Rep by its Principal Secretary,  
Agriculture and Co-operation Department A.P. Secretariat at  
Velagapudi, Amaravathi, Guntur District
2. The Commissioner for Cooperation and Registrar of  
Cooperative Societies, Amaravathi, Guntur District
3. The District Cooperative Officer, Kurnool District
4. The Deputy Registrar, Co-operative Societies, Kurnool
5. The Divisional Cooperative Officer, Kurnool
6. Kurnool District Government Class IV Employees, Co-operative  
House Building Society Ltd., P.No.1155, Kurnool.

**...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 an appropriate Writ, order or  
direction mostly one which is in the nature of a Writ of Mandamus

declaring the inaction of Respondent No.3 in implementing the Memorandum issued by the 2nd Respondent through File No.AGC06-28021(36)/1/2023-HOSINGSEC-CCRCS, dated 29.08.2023 as arbitrary, illegal, irregular, violative of Article 21 of Indian Constitution, unjustified and unsustainable and consequently direct the Respondent No.3 to implement the Memorandum issued by the 2nd Respondent through File No.AGC06-28021(36)/1/2023-HOSINGSEC-CCRCS, dated 29.08.2023 in cancellation of registration pertaining to Petitioners Plot No.154-A vide General No.482-A which is subsequently registered to other persons with respect to Petitioners Plot.

**Counsel for the Petitioner: SRINIVAS BASAVA**

**Counsel for the Respondents: P VARA PRASAD RAO**

**Counsel for the Respondents: GP FOR COOPERATION**

**The Court made the following ORDER:**

The present Writ Petition is filed questioning the action of 3<sup>rd</sup> respondent in not implementing the Memorandum issued by 2<sup>nd</sup> respondent through File No.AGC06-28021(36)/1/2023-HOUSING SEC-CCRCS, dated 29.08.2023, for cancellation of registrations done in favour of other persons pertaining to petitioner's plot No.154-A of Kurnool District Government Class-IV Employees Co-operative House Building Society Limited, Kurnool.

2. Case of the petitioner is that 6<sup>th</sup> respondent is a registered Society with P.No.1155 registered on 06.07.1967, under the Andhra Pradesh Cooperative Societies Act, 1964 (for short 'the Act'). The Society is a Housing Cooperative Society specifically for Class-IV employees in Kurnool district. The Society is formed with a prime objective of providing housing plots to the employees and accordingly plots were allotted to its members in the year 1986. Father of the petitioner was a Class-IV Government employee and the petitioner along with his father used to stay in the Government Quarters. Petitioner was appointed on compassionate grounds as Attender and joined in 6<sup>th</sup> respondent Society on 18.03.1983. Petitioner retired from service as Office Superintendent of Government General Hospital on 30.11.2024.

3. 6<sup>th</sup> respondent Society was allotting plots, the petitioner was allotted with Plot No.154-A through dip system in Police Control Room, Kurnool on 26.01.1993. Thereafter, allotment letter was issued on 01.10.2001, by allotting Plot No.154-A, vide

General No.482-A, admeasuring an extent of 1430 sq. feet. Due to financial constraints, petitioner was unable to get it registered. However, recently petitioner came to know that the plot allotted to him was registered in the name of some other persons, who are not at all members of the Society. In connection with that, 3<sup>rd</sup> respondent issued orders in Rc.No.1101/2016-C1, dated 11.12.2017, under Section 21-AA1(b) of the Act.

4. In connection with the same, an enquiry was conducted, under Section 51 of the Act, and Five Men Committee submitted a detailed report pointing out the registration of 102 plots to non-members by the then President of 6<sup>th</sup> respondent Society and requested to take necessary action for cancellation of registration of those plots. Pursuant to the same, 2<sup>nd</sup> respondent, through Memo dated 29.08.2023, directed 3<sup>rd</sup> respondent to issue necessary instructions to the Society to approach competent Civil Court against concerned for cancellation of registrations of 102 plots. 3<sup>rd</sup> respondent has not acted upon the proceedings issued by 2<sup>nd</sup> respondent. Petitioner also made a representation requesting the respondents to consider the proceedings of 2<sup>nd</sup> respondent dated 29.08.2023 and register Plot No.154-A in favour of petitioner. But, so far no action has been taken by the respondents. Hence, he filed the present Writ Petition.

5. A counter affidavit has been filed on behalf of 4<sup>th</sup> respondent stating, *inter alia*, that though Plot No.154-A was allotted to the petitioner on 01.01.2001, he was unable to get it registered in his name and he retired from service on 30.11.2024.

Subsequently, petitioner approached the Divisional Cooperative Officer, Kurnool for registration of Plot No.154-A in his name. An enquiry was conducted on 25.11.2024 and the Inquiry Officer submitted his report stating that the then President of the Society registered Plot No.154-A in the name of one K. Saibaba, who in turn registered the same to one M. Rajasekhar and then to M.D. Habibulla, who are not at all members of the Society. The Enquiry Officer further found that injustice has been done to the petitioner, hence he suggested that the Society management should take a suitable decision and register Plot No.154/A, if there are no legal implications, otherwise, the management can take a decision as soon as possible for allocating a vacant plot, that is free from any disputes in the Society with the consent of the petitioner.

6. Today, when the matter came up for hearing, learned counsel for the petitioner submits that the petitioner has no objection either to take Plot No.154-A, if there are no legal implications or any other vacant plot, which is free from any disputes.

7. At this stage, learned counsel appearing on behalf of 6<sup>th</sup> respondent Society submitted that petitioner was allotted two plots bearing Plot Nos.26 and 154-A. However, it is submitted that the petitioner is concerned only with Plot No.154-A.

8. In view of the aforesaid facts and circumstances of the case and since 6<sup>th</sup> respondent Society itself has come forward to

allot Plot No.154-A or any other vacant plot, which is free from any legal implications, in favour of the petitioner, and the petitioner has also expressed his consent therefor, the respondents are directed either to allot Plot No.154-A or any other vacant plot, which is free from any legal implications or disputes, in favour of the petitioner herein, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

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**K. SREENIVASA REDDY, J.**

Date:06.11.2025  
Nsr

**HON'BLE SRI JUSTICE K. SREENIVASA REDDY**

**Writ Petition No.5065 of 2025**

**Date:06.11.2025**

Nsr