

[3328]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE TWENTIETH DAY OF JUNE

TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 14699 OF 2025

Between:

Guntupalli Anjaneya Vara Prasad, S/o. Late Bhavannarayana, aged 53 years, r/o. Kondaramaiah Nagar, lane, in front of Vajra homes Lalpuram Road, Chuttuganta, Guntur 522004.

... Petitioner.

AND

1. The State Of Andhra Pradesh, rep. by its Principal Secretary, Co-Operative Department, Velagapudi, Guntur District.
2. The GDCC Bank, rep. by its Chief Executive Officer, 2/13 Brodipet, Guntur, Guntur District
3. The Deputy Registrar, The GDCC Bank Guntur, 2/13 Brodipet, Guntur District.
4. The GDCC Bank, Munipalle Branch, rep. by its Manager/authorized person, PonnurMandal, Guntur District.

... Respondents.

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue any writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the Certificate dt.19.03.2025 in Claim No.2581/2024-2025 for an amount of Rs.13,20,384/-issued by the Respondents 3 and 4 under Section 71(1) of the ARCS Act 1964, as illegal, arbitrary and beyond the power and without authority, jurisdiction, contrary to principles of Natural Justice, violative of Fundamental Rights guaranteed

under Article 14 of the Constitution of India and contrary to provisions and procedure contemplated under Andhra Pradesh Cooperative Societies Act, 1964 and rules framed thereunder and set aside the same.

IA NO: 1 OF 2025

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings in E.P.1/2025 before the 3rd Respondent by suspending the certificate dt. 19.03.2025 in claim No.2581/2024-2025 during pendency of this Writ Petition, Pending disposal of WP 14699 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI K H V SIVA KUMAR Advocate for the Petitioner, Sri Tadisetti Venkata Ananda Rao, GP for the Respondent No.1, Ms. K.N.Vijaya Laxmi, Counsel for respondent nos.2 to 5, the Court made the following.

ORDER

"Heard Sri K.H.V. Siva Kumar, learned Counsel for the Writ Petitioner, Sri Tadisetti Venkata Ananda Rao, learned Assistant Government Pleader for Respondent No.1 and Ms. K.N. Vijaya Laxmi, learned Counsel appearing for Respondent Nos.2 to 5.

2. Learned Counsel for the Writ Petitioner would submit that the Impugned Order is in violation of the prevailing law, inasmuch as the claim of Rs.10,00,000/- and above due to the Cooperative Societies shall be dealt with under the SARFAESI Act and not under the Cooperative Societies Act.

3. Learned Counsel for the Writ Petitioner would submit that the Impugned Proceedings have been initiated under Section 71 of the Andhra Pradesh Cooperative Societies Act, 1964, and the same is contrary to law.

4. Learned Counsel for the Writ Petitioner has drawn the attention of this Court to the judgment rendered by the learned Single Judge of this Court in Dasari Venkata Srinivas Rao vs. The State of Andhra Pradesh and Others, dated 09.07.2024: 2024 0 Supreme (AP) 299 (Ex.P.8).

5. Having regard to the above submissions, the Impugned Order dated 19.03.2025 (Ex.P.5) shall remain suspended until the next listing.

6. Let Counter Affidavit be filed within four weeks. Two weeks thereafter for filing Rejoinder.

7. Learned Counsel for the Writ Petitioner is directed to serve a copy of the Writ Petition on the learned Counsel for the Respondent Nos. 2 to 4 during the course of the day today.

8. List the matter on 05.08.2025.

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Co-Operative Department, State Of Andhra Pradesh, Velagapudi, Guntur District.
2. The Chief Executive Officer, GDCC Bank, 2/13 Brodipet, Guntur, Guntur District
3. The Deputy Registrar, The GDCC Bank Guntur, 2/13 Brodipet, Guntur District.
4. The Manager/authorized person, GDCC Bank, Munipalle Branch, Ponnur Mandal, Guntur District. (1 to 4 by RPAD)
5. One CC to SRI. K H V SIVA KUMAR Advocate [OPUC]
6. One CC to Ms. K.N.Vijaya Laxmi, Counsel [OPUC]

7. Two CCs to Tadiseti Venkata Ananda Rao, GP FOR
COOPERATION ,High Court Of Andhra Pradesh. [OUT]

8. One spare copy

ksr

HIGH COURT

GRKP, J

DATED:20/06/2025

List the matter on 05.08.2025

ORDER

WP.No.14699 of 2025

DIRECTION

