



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

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 28352 OF 2025

Between:

1. RAYUDU KANAKA MHALAKSHMI, Smt. Rayudu Kanaka Mahalakshmi, W/o. Venkanna Babu, Aged about 46 years, R/o. D.No.86-3-20/4, V.L. Puram. Rajamahendravaram, East Godavari District.
2. Sri Rayudu Venkanna Babu, S/o. Kondala Rao, aged about 49 years, R/o. D.No.86-3-20/4, V.L. Puram, Rajamahendravaram, East Godavari District.

...Petitioners

AND

1. The State of Andhra Pradesh, Through the Principal Secretary, Department of Co-operation, Secretariat, Velagapudi, Amaravati, Guntur District.
2. Chanakya Multipurpose Mutually Aided Cooperative Society Ltd, No-AMC/EGDT/DCO/332/2010, Rep. by its CEO, Rajamahendravaram, East Godavari District.
3. Datia Venkata Krishnam Raju, S/o. Rama Raju, aged about 63 years, R/o. D.No.73-17-7, Srinivasa Garden, A.V.Appa Rao Road, Rajamahendravaram, East Godavari District.

...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 more particularly one in the nature of Writ of MANDAMUS declaring the Order dt 17-09-2025 in M.A.No.33 of 2025 in

M.P.No.55 of 2025 under Order 34 Rule 4 of CPC r/w Rule 26 of AP Cooperative Tribunal Rules as arbitrary and contrary to provision of the AP Co-operative Societies Act 1964 and consequently set aside the same by granting interim stay of all further proceeding in M.P.No.55 of 2025 in O.P.No.55 of 2022 before the AP Co-operative Tribunal at Vijayawada and pass.

IA NO: 1 OF 2025

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 Please to grant stay of all further proceedings in M.P.No.55 of 2025 in O.P.No.55 of 2022 before the A.P Co-operative Tribunal at Vijayawada, pending disposal of the above writ petition and pass

IA NO: 1 OF 2026

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 May be pleased to permit the Respondent No.2 herein to withdraw the amount of Rs. 1,00,00,000/- (Rupees One Crore only) deposited by the writ petitioners, covered under T.D.R. No.72830108924 dated 12.11.2025 lying before the Hon'ble A.P. Cooperative Tribunal, Vijayawada, in pursuance of the order dated 16.10.2025 passed in W.P. No.28352 of 2025, pending disposal of the writ petition, and pass

Counsel for the Petitioners: SAI GANGADHAR CHAMARTY

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

The Court made the following order:

HON'BLE SRI JUSTICE NYAPATHY VIJAY**W.P.No. 28352 of 2025****ORDER :**

This writ petition is filed questioning the Order dated 17.09.2025 in M.A.No.33 of 2025 in M.P.No.55 of 2025 on the file of the Andhra Pradesh Cooperative Tribunal, Vijayawada, as illegal and arbitrary.

2. Respondent No. 2 had filed O.P.No.55 of 2022 before the Andhra Pradesh Cooperative Tribunal, Vijayawada, for recovery of Rs. 24,414,636/- due from the Petitioner. The Tribunal, after hearing the respective parties, decreed the OP with costs for a sum of Rs.24,414,636/- with interest at 12% p.a. on the principal amount of Rs.10,000,000/- from the date of petition till the date of decree and thereafter at 6% till realization. The time for redemption of the mortgage was fixed for six months. Questioning the same, the Petitioners filed A.S.No. 475 of 2024, and the same is pending before the Hon'ble Division Bench of this Court.

3. Thereafter, the Respondent No. 2 Society filed M.P. No. 55 of 2025 to pass a final decree, as the Petitioners did not redeem the mortgage in O.P. No. 55 of 2022. In the said M.P., the Petitioners filed M.A.No.33 of 2025, seeking stay of passing a final decree

pending disposal of the A.S.No.475 of 2024, which is pending before this Court. The said application was dismissed by the A.P. Cooperative Tribunal vide orders dated 17.09.2025, and questioning the same, the present writ petition is filed.

4. This Court had passed an interim order on 16.10.2025 granting an interim stay on the condition of the Petitioner depositing Rs.10,000,000/- within a period of four weeks from the date of receipt of a copy of the order.

5. It is stated unanimously by both the counsel that the interim order of this Court dated 16.10.2025 has been complied with, and the same was also mentioned in the Counter Affidavit of Respondent No.2.

6. This Court, after hearing the respective counsel, is of the opinion that the present Writ Petition cannot be maintained, as the impugned Order seeking a stay of passing the Final Decree is a subject matter that ought to be urged in the Appeal Suit rather than by way of this Writ Petition. In that view, the present Writ Petition is devoid of merits.

7. Accordingly, the Writ Petition is dismissed. However, as there is a threat of further action and considering the fact that there is an

interim order since October 2025, the Proceedings in M.P.No.55 of 2025 before the A.P. Cooperative Tribunal shall be deferred by two months from today to enable the Petitioners to work out their remedies in A.S.No.475 of 2024, which is pending before this Court. No order as to costs.

As a sequel, the miscellaneous petitions if any shall stand dismissed.

NYAPATHY VIJAY, J

Date: 30.04.2026

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HON'BLE SRI JUSTICE NYAPATHY VIJAY

W.P.No.28352 of 2025

Dt. 30.04.2026

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