

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE TWENTY EIGHTH DAY OF OCTOBER
— TWO THOUSAND AND TWENTY FOUR —

:PRESENT:

**THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI
WRIT PETITION NO: 29918 OF 2024**

Between:

1. Mr. Mohd Lokeman, S/o. Mr. Mohammed Suleman
2. Mrs. Bushra Lokeman, W/o. Mr. Abdul Rahman Shariff
3. Mrs. Romana Lokeman, W/o. Mohd. Lokeman
4. Smt. C.S.Babitha, D/o. Late. Sri. C.B.Shama Rao
5. Mr. A. Mallaiah, S/o. Late. Sri. A. Muthyalu

Petitioners

AND

1. The State of Telangana. Represented by its Principal Secretary, Co-operation Department, Secretariat, Hyderabad
2. The Divisional Co-operative Officer, Hyderabad West, Nampally, 5-8-505, Chirag Ali Lane, Abids, Hyderabad, Telangana 500001
3. The Deputy Registrar, Co-operative Societies, Secunderabad, 5th Floor, Grukhalpa Building, Opp. Gandhi Bhavan, M. J. Road, Nampally, Hyderabad - 500 001
4. The Mercantile Co. Op. Urban Bank (Secunderabad) Ltd., Secunderabad, Represented by its C.E.O. A. Rajeshwara Rao, S/o. Sri. A. RAYALINGU, having its Branch at D. No. 2-2-150, 2nd Floor, M.G. Road, Secunderabad - 500 003

Respondents

WHEREAS the Petitioners above named through their Advocate Sri. BHARATH REDDY BOMMINENI 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 i.Issue a Writ. Order or Direction more particularly, one, in the nature of Writ of certiorari. declaring the action of the Respondent no.3 in passing the award and issuance of certificate under section 71 (1) of the TSCS Act 1964 dated 04.03.2023 in ARC no. 7 of 2017 as same is illegal, arbitrary, violative of provisions of Telangana Co-operative society and violative of Article 14, 21, and 300-A of the Constitution of India by consequently set aside the same. ii.To consequently declare the form no. 7 under Rule 52 (11) (D) of the Telangana Co-operative Societies Act 1964 in EP No. 05/2023-UB issued by the Respondent no.3 in respect of award/certificate dated 04.03.2023 in ARC no. 7 of 2017 passed by the Respondent no.4 as arbitrary, violative and contrary to well settled principles of law;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri BHARATH REDDY BOMMINENI Advocate for the Petitioners and Government Pleader for Cooperation takes notice on behalf

of respondents No.1 to 3, directed issue of notice to the Respondent herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

A. Rajeshwara Rao, S/o. Sri. A. RAYALINGU, C.E.O. ,The Mercantile Co. Op. Urban Bank (Secunderabad) Ltd., Secunderabad, having its Branch at D. No. 2-2-150, 2nd Floor, M.G. Road, Secunderabad - 500 003

are directed to show cause on or before 11.11.2024 to which date the case stands posted 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.

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 grant interim relief to stay of proceedings in EP No. 05/2023-UB registered by the Respondent no.3 in respect of award/certificate dated 04.03.2023 in ARC no. 7 of 2017 passed by the Respondent no.3 until, pending disposal of WP No. 29918 of 2024, on the file of the High Court.

The Court made the following:

ORDER:

Notice before admission.

The learned Government Pleader for Cooperation takes notice on behalf of respondents No.1 to 3 and waives further notice and seeks time to get instructions and to file counter affidavit in the matter.

Registry is directed not to issue notice on respondents No.1 to 3 in view of this waiver.

The learned counsel for the petitioners is permitted to take out personal notice on respondent No.4 and file proof of service of notice into the Registry.

The learned counsel for the petitioners submitted that the petitioners are neither the borrowers nor the guarantors of the loan, which has been granted by respondent No.4 on mortgaging the land on which the properties of the petitioners located.

The learned counsel for the petitioners has drawn the attention of this Court to the relevant observations and the award as well as the order of the Cooperative Tribunal to demonstrate that these facts have already been taken into consideration by the Tribunal, but in spite of the same, the properties of the petitioners have been attached for satisfaction of the award.

In view of the above, there shall be stay of all further proceedings in pursuant to the attachment notice dated 05.09.2024 for a period of two weeks.

List on 11.11.2024

**SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Co-operation Department, State of Telangana, Secretariat, Hyderabad
2. The Divisional Co-operative Officer, Hyderabad West, Nampally, 5-8-505, Chirag Ali Lane, Abids, Hyderabad, Telangana 500001
3. The Deputy Registrar, Co-operative Societies, Secunderabad, 5th Floor, Grukhalpa Building, Opp. Gandhi Bhavan, M. J. Road, Nampally, Hyderabad - 500 001 (1 to 3 by RPAD)
4. A. Rajeshwara Rao, S/o. Sri. A. RAYALINGU, C.E.O. ,The Mercantile Co. Op. Urban Bank (Secunderabad) Ltd., Secunderabad. having its Branch at D. No. 2-2-150, 2nd Floor, M.G. Road, Secunderabad - 500 003(by RPAD- along with a copy of petition and Affidavit)
5. One CC to SRI. BHARATH REDDY BOMMINENI Advocate [OPUC]
6. Two CCs to GP FOR COOPERATION, High Court at Hyderabad. [OUT]
7. One spare copy

HIGH COURT

TMD, J

DATED:28/10/2024

LIST ON 11.11.2024

NOTICE BEFORE ADMISSION

WP.No.29918 of 2024

STAY

