



**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**FRIDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SMT JUSTICE T.MADHAVI DEVI

WRIT PETITION NO: 34729 OF 2025

Between:

Viswa Bharathi Mutually Aided Co-Operative Credit Society Ltd., Registration No. AMC/HYD(U)/MACS-2002(69)/CREDIT, 2-2-1132/10/1, Opp. S.B.I., Shivam Road, New Nallakunta, Hyderabad, Telangana. Rep by its Chief Executive Officer Sri. K. Dayanand S/o Srinivasan Aged about 72 years, R/o Nallakunta, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Co-operation and Agricultural Department, Secretariat, Hyderabad.
2. The District Cooperative Officer, Shamirpet Division, Medchal-Malkajigiri, Telangana - 500078.
3. Senior Inspector/Sale Officer, Office of The District Cooperative Officer, Uppal Circle, Medchal-Malkajigiri District.
4. Gona Raj endera Prasad, S/o. Late G.Venkateshwar, Aged about 61 years, Occ. Business, R/o.Plot.No.112,Road No.1, Madhuranagar, Secunderabad.

...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 a writ, order or direction more particularly one in nature of Writ of Mandamus declaring the action of the Respondent No 3 in issuing Letter Dated 15/10/2025 requiring the Petitioner to take over the possession of the subject property viz., residential flat.No.102,in first floor, in the residential complex known as SRSV Avenue Admeasuring 970 Square Feet's, with undivided share of land 17 Square Yards, constructed on plot No. 220, forming part of Sy.Nos.44,45 and 46, block No.12 situated at P&T Colony, Medipally village and Gram Panchayath, Ghatkesar Mandal, Medchal Malkajigiri District as a condition precedent to conduct the Public Auction despite of issuing FORM - 8 and 9 dated 18-09-2025, as illegal and arbitrary and also contrary to the provisions of the Telangana Mutually Aided Co-operative Societies Act, 1995 and also the provisions of the Telangana Co-



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operative Societies Rules and in violation of the Article 14 and 300 A of Constitution of India and consequently direct the Respondents No 2 and 3 to conduct the public auction of the subject property as per the provisions of the Telangana Mutually Aided Co-operative Societies Act, 1995 and the Rules made therein.

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 to direct the Respondent No 2 and 3 to consider the representations dated 27/10/2025 and pass appropriate order in accordance with the provisions of Telangana Mutually Aided Co-operative Societies Act, 1995 and Telangana Co-operative Societies Rules pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI MALIPEDDI SRINIVAS REDDY
Counsel for the Respondent Nos.1 TO 3: GP FOR COOPERATION
Counsel for the Respondent No.4: --

The Court made the following: ORDER



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THE HON'BLE SMT. JUSTICE T. MADHAVI DEVI

WRIT PETITION No.34729 OF 2025

ORDER:

In this writ petition, the petitioner is challenging the letter issued by respondent No.3 dt.15.10.2025 requiring the petitioner to take over the physical possession of the subject property which is under attachment pursuant to the order of the Tribunal in O.P.No.07 of 2020, dt.15.07.2024, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Cooperation appearing for respondents No.1 to 3.

3. It is submitted that for execution of the order in O.P., E.P. has been filed and the Officer has required the petitioner to take over the physical possession of the subject property and to hand over the same to the Registrar of MACS, to enable the Sales Officer to conduct auction on or before the date given in the said notice. Challenging the same, the writ petition is filed.

4. Learned counsel appearing for the petitioner-society submitted that the requirement to take over the physical possession of the property is not provided for under the Telangana Cooperative Societies Act and is unwarranted. He further submitted that the prescribed procedure is to issue a demand notice and if the defaulter fails to make the payment, symbolic possession of the property shall be taken and thereafter the property shall be put for sale. Therefore, according to him, the condition



prescribed by the Sales Officer to take physical possession of the property before putting up the property for auction sale is unwarranted.

5. Learned Government Pleader for Cooperation is heard, who submitted that Rule 52 of the Telangana Cooperative Societies Rules, 1964, provide the procedure for execution of decrees and orders and the impugned direction is given in accordance with the said Rule only.

6. Having regard to the rival contentions and the material on record, this Court finds that Rule 52 of the Rules deals with the procedure prescribed for execution of decrees or orders and Sub-Rule 3 deals with the procedure to proceed against a defaulter's immovable property. A literal reading of the same shows that there is no requirement of taking physical possession of the property, before putting it up for sale. However, the property cannot be put up for sale without having symbolic possession of the property. Therefore, the petitioner is permitted to take over the symbolic possession of the property, **if the respondent No.4** fails to make the payment and thereafter, the Sales Officer is at liberty to auction the property.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous applications, if any, pending in this writ petition stand closed.

SD/- A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

NOTE: That the words read as "if the petitioner" in the order dated 21.11.2025 in WP.No.34729 of 2025 are replaced with 'if respondent No.4' as per the orders of the Hon'ble court dated 04.05.2026 in IA.No.1 of 2026.

This amended order shall substitute the earlier order which has already been dispatched on dt: 29/04/2026.



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SD/- A.H.S. GOWRI SHANKAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Co-operation and Agricultural Department, Secretariat, Hyderabad, State of Telangana.
2. The District Cooperative Officer, Shamirpet Division, Medchal-Malkajigiri, Telangana - 500078.
3. Senior Inspector/Sale Officer, Office of The District Cooperative Officer, Uppal Circle, Medchal-Malkajigiri District.
4. One CC to SRI MALIPEDDI SRINIVAS REDDY, Advocate [OPUC]
5. Two CCs to GP FOR COOPERATION, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

PSK.

BS

Bm



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HIGH COURT

DATED:21/11/2025
04/05/2026

AMENDED ORDER
WP.No.34729 of 2025



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

9 copies
Bm
6/5/2026