

**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE  
AND  
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY**

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**Writ Petition No.15408 of 2006**

Between

S.Dusyant Reddy and others

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..Petitioners

AND

T h e Commissioner for Cooperation and Registrar of ..Respondents  
Cooperative Societies, Hyderabad and others

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**:: JUDGMENT ::**

Counsel for the petitioners

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Sri Narasimha Murthy Gollamudi

Counsel for respondent Nos.1 to 3

Government Pleader for Cooperation

**29.12.2006**

**Per G.S.Singhvi, CJ**

The petitioners who claim to be members of Defence Housing Cooperative Society (for short, 'the society') have filed this petition for grant of a declaration that action of respondents in not taking steps to restore Land Grabbing Case No.116 of 1998 on the file of Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 is illegal. They have further prayed for issue of a mandamus to the respondents to take steps for restoration of the above case.

In the affidavit filed by him, petitioner No.1 – S. Dusyant Reddy has averred that former Secretary and President of the society Shri C.T. Ramulu grabbed 248 square yards of valuable land of the society comprised in Survey No.218/1 by creating a fictitious sale deed in favour of his wife Smt. C. Lalitha by showing the same as land in Survey No.237. He has further averred that the then person in-charge of the society filed Land Grabbing Case No.116 of 1998 before the Special Court, but after getting himself re-elected as President of the society, Shri C.T. Ramulu managed the passing of resolution for withdrawal of the land grabbing case and on the basis of the petition filed for that purpose, the Special Court granted leave to the society on 22.11.2002 to withdraw the case. According to him, the petitioners issued notices dated 29.03.2006 and 12.06.2006 to the respondents for restoration of the land grabbing case, but no action has been taken by the society in that respect.

We have heard learned counsel for the parties and perused the record. In our opinion, the writ petition is liable to be dismissed not only on the ground of laches, inasmuch as, there is time gap of almost six years between dismissal of the land grabbing case as withdrawn and filing of the writ petition, but also because, the petitioners have not shown as to how a writ is maintainable against respondent No.4 which is a society registered under the Societies Registration Act and how an order could be passed at the back of Smt.C. Lalitha and Shri C.T. Ramulu, who were parties to the land grabbing case.

The averments contained in the affidavit filed in support of the writ petition do not show that the society is a creature of statute or is engaged in

the discharge of any sovereign or governmental function or it has anything to do with the discharge of public law obligation by the State and its agencies. Therefore, a writ cannot be issued under Article 226 of the Constitution.

We are further of the view that the order passed by the Special Court on 22-11-2002 cannot be recalled or set aside because neither of the beneficiaries of that order has been impleaded as party to the writ petition.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.Nos.19198 and 19950 of 2006 filed by the petitioners are also dismissed.

**G.S.SINGHVI, CJ**

**C.V.NAGARJUNA REDDY, J**

29-12-2006

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