

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.40627 of 2015

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Date: 15.12.2015

Between:

N.Venkataramanaiah

.. Petitioner

and

The State of A.P.
rep. by its Prl.Secretary
Endowments (Rev.) Dept.,
Hyderabad and another

.. Respondents

Counsel for the petitioner: Mrs.Bobba Vijayalakshmi

Counsel for respondent No.1: AGP for Endowments (AP)

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The Court made the following:

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Order:

The long litigation commenced by the petitioner as far back as the year 1998 ended against him with the dismissal of his suit in OS.No.622 of 1998 and decreeing of the suit in OS.No.394 of 1999, filed by respondent No.2, by common judgment, dated 31-07-2007, on the file of the Court of the learned I Additional Junior Civil Judge, Tirupathi. Even the appeals viz., AS.Nos.36 of 2008 and 117 of 2007 filed by the petitioner against the said common judgment also ended in dismissal in the Court of the learned IV Additional District Judge, Tirupathi. Second Appeal Nos.1134 and 1137 of 2012 filed by the petitioner also met with the same fate at the hands of this Court and the Special Leave Petitions filed by him were also dismissed on 08-04-2013 by the Apex Court. After conclusion of all these proceedings, the petitioner has embarked upon a fresh round of litigation by making a representation on 30-11-2015 requesting respondent No.2 to provide a permanent residential accommodation at Tirumala or to allot any shop for his livelihood based on the observation made by the first appellate Court while dismissing AS.Nos.36

of 2008 and 117 of 2007.

As rightly submitted by Smt.K.Lalitha, learned Standing Counsel for respondent No.2- Tirumala Tirupathi Devasthanam (TTD), though certain observations were made by the first appellate Court in its judgment for consideration of the petitioner's case on humanitarian grounds, the decree does not contain any such direction.

In my opinion, the observations made by the first appellate Court remained mere pious observations, which cannot be enforced in the absence of a decree. Therefore, in strict legal sense, respondent No.2 is not under obligation to allot any tenement to the petitioner. However, respondent No.2 is directed to consider the petitioner's representation, dated 30.11.2015. It is, however, made clear that while giving this direction, this Court has not recognized the right of the petitioner for allotment of any tenement or rehabilitation center in Tirumala and it is left to the pure discretion of respondent No.2 to take a decision on the petitioner's representation.

Subject to the above observations and direction, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.52462 of 2015, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 15th December, 2015
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