

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Appeal No.305 of 2015

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DATED:17.04.2015

Between:

Miryala Nageshwara Rao,

Veeravasaram Mandal,

West Godavari District and others.

... Appellants

And

The Veeravasaram Gram Panchayat,

Represented by its Secretary,

West Godavari District and others.

....Respondents

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AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

Writ Appeal No.305 of 2015

Judgment: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

The appeal is summarily dismissed as we are of the view that the appellants-petitioners have no justiciable right as their right to remain in possession of the property in question expired by 31.3.2015. The auction has already been held on expiry of the term. The petitioners are remaining in possession. In the writ petition, the petitioners have challenged the competency of the authorities, who are holding auction. But, according to us, even if the auction is set aside, the petitioners cannot have any right to remain in possession. The learned trial Judge has found that the petitioners have not participated in the auction and instead of doing it, they want to perpetuate their possession. In spite of that, the learned trial Judge, in our respectful observation, was kind enough to grant some relief to the writ petitioners.

Under the circumstances, we do not want to interfere with the impugned order of the learned trial Judge.

The writ appeal is accordingly dismissed.

Pending miscellaneous applications shall also stand closed. No costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

17th April, 2015

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