

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27793 of 2015

DATED : 31.08.2015

Between :

C. Venkataramaiah S/o.Late Sri Ramulu,
Aged about 53 yrs, Occu : Business,
R/o.303, Gandhi Road, Tirupati,
Chittoor District.

.. Petitioner

and

The Estate Officer,
Tirumala Tirupati Devasthanam,
Tirumala, Tirupati,
Chittoor District.

.. Respondent

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27793 of 2015

ORDER :

The petitioner was running flour mill in Perindammathota. The land on which the petitioner was running the flour mill was acquired by the Tirumala Tirupati Devasthanam (for short 'the TTD'), in the year 1986 with an undertaking to provide alternative accommodation. Since it was not provided and alleging that promise made by the Executive Officer, was not fulfilled, the petitioner claimed to have instituted O.S.No.151 of 1986 on the file of Principal Subordinate Judge, Tirupati, praying to grant mandatory injunction, directing the respondent-authorities to fulfill the promise. According to the petitioner, the same was decreed. Appeal Suit No.74 of 1997 was instituted in this Court, aggrieved by the said decision and the said appeal was allowed setting aside the decree and Judgment passed in O.S.No.151 of 1986 dated 07.11.1986. Consequent to setting aside of the decree in O.S.No.151 of 1986 the Estate Officer, issued notice on 24.07.2015 alleging that the petitioner did not pay license fee from 28.04.1986 amounting to Rs.6,67,447/-. Challenging the same, this writ petition is instituted. The prayer sought in the writ petition is to direct the respondent to waive penalty, to give electricity connection along with

water to the flour mill and also to provide house to dwell to the petitioner in the nearby vicinity of the flour mill.

2. The alleged notice is issued by the Estate Officer, who is competent to recover the dues of licence fees. Whereas, the prayer sought is wider which can be considered only by the TTD. The TTD is not made a party in this writ petition. The petitioner makes vague averment that relaxation was granted to some others and petitioner is willing to pay the amount, if installments are granted to him and the power and water connections are restored.

3. As seen from the averments made in the affidavit filed in support of the writ petition and the material papers enclosed to the writ petition, no such grievance is agitated by the petitioner before the competent authority, but straight away filed this writ petition. Even the notice issued by the Estate Officer is not under challenge. If the petitioner has valid claim and there are precedents where certain relaxations were granted, the petitioner must make appropriate representation to the competent authority bringing to his notice the earlier decisions made and the justification for asking waiver or relaxation of conditions or to provide certain concessions to him, but he cannot straight away invoke the writ jurisdiction. The extraordinary remedy under Article 226 of the Constitution of India is available only when on making appropriate representation for redressal of the grievance, it is not attended to within the reasonable time or no justified reasons are shown for not accepting the representation or the issue is being prolonged. The petitioner, without exhausting all the remedies available to him under law, cannot directly invoke the writ jurisdiction of this Court.

4. Having regard to the above, the writ petition is dismissed leaving it open to the petitioner to avail appropriate remedies available under law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

31st August, 2015.
Rds