

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 26708 of 2008

ORDER:

-

The present writ petition came to be filed seeking issuance of writ of mandamus declaring G.O.Ms.No.1355 Revenue (V) Department, dated 25.11.2008 in resuming the land admeasuring Ac.100.00 in Sy.No.81/A situated at Padarthi Village of Kothapatnam Mandal, Prakasham District, as illegal, arbitrary; and consequently to set-aside the same with a direction to the respondents not to interfere with the enjoyment of leasehold rights of the petitioners.

By an order, dated 05.12.2008, this Court granted interim suspension as prayed for. On 20.09.2011 this Court dismissed the W.P.M.P.No.34972 of 2008 for non-prosecution and as such the order dated 05.12.2008 stood vacated. Subsequently, on 17.07.2015 Sri P.Suresh, learned counsel appearing for the petitioners submits that he has given up Vakalat four years back and he is not appearing in the matter. Hence, this Court directed the Registry to issue notice to the petitioners. The office note shows that the notice was served on the petitioners but no vakalath is filed till date ie. 20.08.2015. While things stood thus, respondent No.7 filed W.P.M.P.No.13436 of 2015 seeking dismissal of the writ petition on the ground that the same has become infructuous in view of the order passed by this Court on 20.09.2011 in W.V.M.P.No.703 of 2011 wherein the interim suspension granted earlier was vacated. It is stated in the affidavit filed in support of the application that subsequent to the order passed by this Court on 20.09.2011, a committee was constituted on 10.04.2015 for taking steps to assign land in favour of eligible persons but the committee is not taking of any steps in view of the pendency of the writ petition. It is further averred that G.O.Ms.No.1355, dated 25.11.2008 was cancelled by the Government and as such nothing survives for adjudication in the writ petition.

As seen from the record, the application for grant of interim suspension was dismissed as non-prosecution on 20.09.2011. No steps were taken to get the order restored. Similarly, after the counsel gave up vakalath, notices were issued to the petitioners and inspite of service of notices, no body entered appearance and from

which it can be said that the petitioners are not interested in prosecuting the case in view of the subsequent developments. Hence, I see no reason to grant relief as prayed for in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

18.11.2015

gkv