

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

W.P.No.40130 of 2015

Date : 11-12-2015

Between :

N. Ramesh ..
Petitioner

And

Tirumala Tirupati Devasthanam,
Represented by its Executive Officer,
Tirupati, Chittoor District
and others ..
Respondents

Counsel for petitioner : Mr. M. Vidyasagar
Counsel for respondent No.5 : Mr. R. Raghunandan, Senior
Counsel

appearing for Mr. T. Vinod
Kumar

The Court made the following:

ORDER:

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This Writ Petition is filed for a mandamus to set-aside proceedings in Roc.No.Rev.2/168/AEO(P&R)/TTD/TML/2008, dated 26-11-2015 of respondent No.1 permitting respondent No.5 to run the shop i.e., 2 NC, Tirumala.

As Mr. M. Vidyasagar, learned Counsel for the petitioner and Mr. R. Raghunandan, learned Senior Counsel representing respondent No.5, have arrived at a consensus, the necessity of recording detailed reasons is obviated. From a perusal of the impugned proceedings, it is evident that respondent No.1 has relegated the parties to the civil suit in view of the involvement of seriously disputed questions touching the right and title over the shop in question. The learned Counsel for the petitioner has fairly agreed that his client will file a comprehensive civil suit for claiming appropriate reliefs. On the suggestion made by this Court, the learned Senior Counsel for respondent No.5 has agreed to deposit Rs.20,000/- per month with the

Executive Officer of respondent No.1 for running the shop. However, considering the offer made by the learned Counsel for the petitioner that his client is prepared to deposit Rs.50,000/- per month if he is permitted to run the shop in question, this Court feels that interests of justice would be met if respondent No.5 deposits with respondent No.1 Rs.25,000/- (Rupees twenty five thousand only) per month on or before 5th of every succeeding month commencing from the month of January 2016 pending disposal of the suit that may be filed by the petitioner. The petitioner shall file such a suit within one month from the date of receipt of this order, failing which the obligation of respondent No.5 to deposit the said amount ceases. The Executive Officer of respondent No.1 shall ensure that periodically, at least once in three months, the amount so deposited by respondent No.5 is deposited in an interesting yielding fixed deposit (Flexi Deposit) in any Nationalized Bank. The deposits so made shall be subject to the result of the suit to be filed by the petitioner. It is made clear that in the event of ascertainment of mesne profits/damages, the lower Court shall not be guided by the quantum of amount directed to be deposited by respondent No.5 under this order and it shall assess the same independently. It is also made clear that so long as respondent No.5 complies with the order of depositing the monthly sums as directed above,

she is entitled to carry on business in the shop in dispute.

Subject to the above directions, the Writ Petition is disposed of.

As a sequel to the disposal of the Writ Petition, WPMP No.51797 of 2015 filed for interim relief is disposed of as infructuous.

Justice C.V. Nagarjuna Reddy

Date : 11-12-2015

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