

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NO.32611 OF 2015

DATED:3-11-2015

Between:

Ulthi Veerabhadrapa ... Petitioner

And

The State of A.P.,

Rep. by its Principal Secretary

Endowments Department

Secretariat

Hyderabad

and another ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER: Mr. M. Jayaram Reddy,

for Mr. V. Ravindar Rao

COUNSEL FOR RESPONDENT NO.1: G.P. for Endowments (AP)

COUNSEL FOR RESPONDENT NO.2: Mr. P. Rajasekhar

(Name of the Counsel for respondent

No.2 may be shown subject to

filing of his Memo of Appearance

within a week.)

THE COURT MADE THE FOLLOWING:

ORDER:

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This writ petition is filed for a mandamus to declare the action of respondent No.2 in issuing public auction notice dt.28.9.2015 for grant of leasehold rights of Ac.18.85 cents of land in Sy.No.352 of Santekudluru Village of Adoni Mandal, Kurnool District, for the year 2015-2016, without issuing notice to the petitioner and without following the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987, as illegal and arbitrary.

The petitioner was a lessee of Ac.18.85 cents of land belonging to respondent No.2 – Mutt. He has been overstaying in the land much after the expiry of the lease period. When an auction was sought to be conducted, the petitioner filed O.S. No.26 of 2014 for permanent injunction in the Court of Additional District Judge, Kurnool, at Adoni. By order dt.28.3.2015 the said Court has granted interim injunction in I.A. No.431 of 2014. Questioning the said order, respondent No.2 has filed C.M.A. No.526 of 2015. By order dt.2.9.2015 in C.M.A.M.P. No.1085 of 2015 filed in the said C.M.A., this Court suspended the interim order of injunction with the observation that the said order shall not preclude the petitioner from participating in the auction in respect of the subject land in case any such auction is proposed to be held by the said respondent. Further, in pursuance of certain directions issued by this Court in another writ petition, respondent No.2 has proposed the auction. Feeling aggrieved by the auction notice issued by respondent No.2, the petitioner has filed this writ petition.

In my opinion, the petitioner is not entitled to invoke the jurisdiction of this Court under Article 226 of the Constitution of India as the property in respect of which the present writ petition is filed is the subject matter of O.S. No.26 of 2014 and the petitioner, therefore, cannot avail parallel remedies. Moreover, this Court while suspending the injunction order in C.M.A.M.P. No.1085 of 2015 in C.M.A. No.526 of 2015 permitted the petitioner to participate in the auction. Thus, this Court has impliedly permitted respondent No.2 to proceed with the auction while permitting the petitioner to participate in such auction. Having thus suffered the said order, the petitioner cannot question the auction proceedings in this writ petition.

For the above mentioned reasons, the writ petition is without any merit and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.42127 of 2015 shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

03-11-2015

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