

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.7034 of 2015

ORDER

This Writ Petition is filed seeking to declare the action of respondents in proposing to conduct auction as per the publication dated 05.03.2015 inviting general public to take part in the public auction to be held in the Municipal Office, Rayachoty, on 23.03.2015 regarding the land to an extent of Ac.0.28 cents belonging to the petitioner as 'bus stand gaetlu' in Telugu, as arbitrary and illegal.

2. The case of the petitioner is that he is the owner of land to an extent of Ac.0.28 cents in Sy.No.784 situated in Rayachoty Town having purchased the same in the year 1928. He constructed a shed therein and running a cool drink shop in it. While so, when the respondents are trying to dispossess him from the said land, he filed O.S.No.74 of 2011 on the file of Principal Junior Civil Judge, Rayachoty and the same was decreed by granting permanent injunction restraining the defendants, their men from interfering with the peaceful possession and enjoyment of the plaintiff over the suit schedule property. It is stated that as per the publication dated 05.03.2015, the respondents are proposing to conduct auction with respect to his land mentioning the same as 'bus stand gaetlu'. Hence, he filed the present writ petition.

3. Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration for R1 and Sri Md. Saleem, learned Standing Counsel for R2.

4. Learned Standing Counsel, on instructions, submits that the impugned notification was issued only for the purpose of collection of fees regarding vegetable market and bus stand, but not in respect of the petitioner's land.

5. A perusal of the impugned notification dated 05.03.2015, shows that it was issued only for collecting fees in respect of vegetable market and bus stand and it does not indicate that the same is issued in respect of petitioner's land. Further, the petitioner has already obtained an *ex parte* injunction. In view of the same, the writ petition is misconceived.

6. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

A. RAJASHEKER REDDY,J

23rd March, 2015

sj