

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2813 and 3386 of 2011

COMMON ORDER:

The writ petitioners question the interference of respondent authorities with their peaceful possession and enjoyment of their residential houses. The subject matter of these writ petitions being similar, they are being disposed of by this Common Order. For the purpose of discussion and disposal of these writ petitions, the facts contained in W.P.No.2813 of 2011 are taken, for convenience.

2. The averments in the writ affidavit are to the effect that the petitioners are purchasers of small extents of lands in Survey No.13 of Avilala Gram Panchayat, Tirupati Rural mandal, Chittoor district, by way of registered as well as unregistered sale deeds from their predecessors. The petitioners state that their predecessors in title had acquired the land and there are civil Court judgments evidencing their predecessors' right and title.

3. Heard the petitioners' counsel, Sri G. Seshadri, learned Standing Counsel for the Gram Panchayat, Sri K.R. Prabhakar, learned counsel for the respondent No.5-Hathiramjee Mutt and the learned Government Pleader.

4. Learned Standing Counsel for the Gram Panchayat, on the basis of the counter affidavit, submits that the land in Survey Nos.13, 15 & 17 are patta lands in the name of Hathiramjee Mutt and the petitioners are making illegal constructions without obtaining necessary permission.

5. As per the learned counsel for impleaded respondent No.5-Hathiramji Mutt, vast extents of land in Survey No.13 belong to the Mutt and various antisocial elements are creating fake documents and approaching this Court by making allegations of interference by the Government authorities and obtaining orders of stay of dispossession; and thereafter they are making constructions; and a number of writ

petitions filed by such people were dismissed by this Court. The learned counsel further submits that the petitioners have filed a writ petition before this Court in the name of an Association and the Members List was also furnished to this Court.

6. Learned Government Pleader, basing on the counter affidavit filed by the Tahsildar, submits that as per the Village accounts, the land admeasuring Ac.109-60 cents in Survey No.13 belongs to Hathiramjee Mutt and the said land is not a Government land.

7. The petitioners' counsel while reiterating the averments contained in the writ affidavits, denies filing of any writ petition in the name of Association, as contended by the 5th respondent.

8. As can be seen from the arguments, the claim of the petitioners is that they are purchasers of the land in their occupation from the original owners and while they are making constructions, the official respondents are interfering with their construction. To buttress the argument, the learned counsel relied on a sale deed executed in the year 1988 vide Document No.1631/1988 wherein there is some reference to various parties including Hathiramjee Mutt and also certain civil proceedings deciding the tenancy rights. In that view of the matter, the controversy with regard to the right, title and alleged possession of the petitioners need not be decided. So far as the construction that is being made in violation of the statutory provisions is concerned, no protection as such can be given by this Court in aid of the illegal activities. It is a matter which is required to be taken up by the 4th respondent-Gram Panchayat, and the Gram Panchayat is duty bound to take appropriate action if the petitioners make illegal constructions violating the statutory provisions.

9. In the light of categorical stand on affidavit by the Tahsildar, that the land is a private land belonging to the Hathiramjee Mutt and the respondent officials are not interfering in any manner, these writ petitions does not survive, and hence, no orders are required to be passed in these

writ petitions.

10. Accordingly, the writ petitions are closed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

CHALLA KODANDA RAM, J

19th March, 2015

KSM