

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5463 of 2015

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ORDER:

Heard.

The petitioner states that it is a registered Society and that the respondents are interfering with the lawful activities of the petitioner's club and are forcing the petitioner to close down the club, which was registered on 15-07-2014. Hence, seeks a Mandamus as prayed for.

The 5th respondent has filed counter affidavit, which states that the 5th respondent along with Village Revenue Officer, Panchaayat Secretary and Sarpanch of Bandakindapalli Village, has visited the premises of the petitioner and recorded the statements of some workers, which read as follows:-

1) **R.Krishnamoorthy:** He stated that he is the petitioner and corroborated the version of his writ petition filed by the Hon'ble High Court, Hyderabad, but denied allegations raised on the respondents and etc, facts.

2) **G.Bhaskar Reddy:** He stated that he is residing at Papireddygaripalli, H/o.Gaddamvaripalli, Pulicherla Mandal and living by doing cultivation. He is having 0.62 cents dry land in Survey No.130, located at adjacent side of Piler-Tirupati Main Road, Matlollapalli within the jurisdiction of Bandakindapalli Panchayathi of Rompicherla Mandal. About some months back he built a fragrant oil factory in that land, but now it was in ruined condition. Then he has given the said land including fragrant oil factory building toward the petitioner for rent about Rs.10,000/- for month, presently the said land is having under construction ABC club building available there, but not conducting any activities are there and etc, facts.

3) **Mallakunta Bhaskaraiah:** When examined he stated that he is residing at Matlollapalli, H/o.Bandakindapalli of Rompicherla Mandal and living by doing coolly work. He is corroborating the version of LW.2. Further he stated that the said ABC club is under construction stage, but not conducting any activities are there and etc, facts.

4) **Vootukuri Anand:** When examined he stated that he is residing at Matlollapalli,

H/o.Bandikindapalli of Rompicherla Mandal and living by doing coolly work. He is corroborating the version of LW.2. Further he stated that the said ABC club is under construction stage, but not conducting any activities are there and etc., facts.

5) **Mallakunta Mudhu Krishna**: When examined he stated that he is the partner of petitioner, residing at Door No.20-03-C/15, Sivajyothi Nagar, Tirupati. Further he is corroborating the version of LW.1 in all aspect.

I examined the Sarpanch of Bandakindapalli and recorded his statement and its content runs as follows:

6) **Narravula Lakshmi**: She is the Sarpanch of Bandakindapalli Village, residing at Kammollapalli, H/o.Bandakindapalli of Rompicherla Manal and living by doing cultivation. She is also stating that the petitioner has been constructing building thereby the name style of ABC club, but not conducting any activities are there and etc, facts.

It is, therefore, stated that on enquiry it is revealed that few years ago, the fragrant oil factory was constructed by the owner of the land by name one Sri G.Bhasker Reddy and some months back, he closed the said factory and removed all the machinery and shifted to his village. Thereafter, the said land owner said to have handed over the building to the petitioner on a monthly rent of Rs.10,000/-. In that building, for the past three months, the alterations works are going on to facilitate the building to run as a club. Till today, the said building is under construction and not functioning any activities thereon and the same was also admitted by the petitioner by giving his statement voluntarily before the 5th respondent on 16-03-2015.

In view of the statement recorded by the 5th respondent on 16-03-2015 that no such club is stated to be functioning as on today and that the said counter affidavit is not controverted by the petitioner by filing any reply and as such, there is no reason to disbelieve the averments of the 5th respondent in the counter affidavit. The petitioner's club may have been registered on 15-07-2014, but the alteration work of the building is going on and as and when the Club starts functioning, the petitioner has to comply with the provisions of law. However, the relief sought for by the petitioner cannot be granted, as the club appears to be not functioning as on today.

In view of that, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 07-04-2015

Prv

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