

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION No.32875 of 2015

ORDER:

Petitioner questions the notice, dated 24.09.2015 issued by the fourth respondent in Rc.B/72/99 requiring the petitioner to vacate the land in plot No.26, Survey No.52/4 of Annavarappadu Village, Ongole Mandal and Prakasam District.

The impugned notice itself states that it is issued in pursuance of the orders of the Principal Secretary, Revenue (Assignment-IV) Department, dated 07.05.2012 and the orders of this Court in Writ Petition No.7431 of 2013, dated 12.03.2014.

Learned counsel for the petitioner submits that the petitioner has already filed O.S.No.120 of 2015 before the District Court, Ongole seeking declaration of title and permanent injunction against the revenue authorities as well as the third parties. He further submits that in the said suit, none of the defendants has so far filed written statement and maximum time permissible in filing written statement long expired. He also submits that while the respondents herein are the parties to the said suit, they could not have issued the impugned notice to evict the petitioner.

I find it difficult to accept the said contention, in view of the fact that earlier, the petitioner had approached this Court in Writ Petition No.7431 of 2013 which was disposed of on 12.03.2014 directing the fourth respondent therein to consider the petitioner's reply for passing appropriate orders in accordance with law. Thereafter, on 23.12.2014, an order of eviction was passed by the Tahsildar and the said order was confirmed by the Revenue Divisional Officer, Ongole by order, dated 23.03.2015. Both the said orders have attained finality as no further steps are taken by the petitioner in the nature of revision or otherwise but she has filed a suit for declaration of title. It is evident and also not disputed that no order is passed by the civil Court in the said suit, as such, the order of eviction referred to above attained

finality against the petitioner, and the impugned notice is issued only in implementation of the said order. Mere filing of a suit by the petitioner for declaration of title would not amount to staying of the proceedings issued by the revenue authorities. I am therefore unable to see any ground for entertaining the Writ Petition and interfering with the impugned notice.

The Writ Petition is meritless and therefore dismissed.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. No order as to costs.

VILAS V.AFZULPURKAR, J

7th OCTOBER, 2015.

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